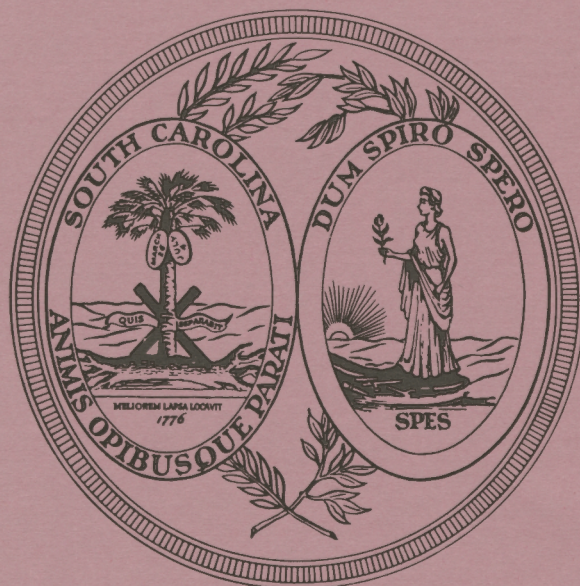


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SOUTH CAROLINA HUMAN AFFAIRS COMMISSION



ANNUAL REPORT 1989 - 1990

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**SOUTH CAROLINA
HUMAN AFFAIRS
COMMISSION**

**James E. Clyburn
Commissioner**

September 1, 1990

Greetings:

On behalf of the Board and Staff of the South Carolina Human Affairs Commission, I respectfully submit our 1989-90 Annual Report. During the period covered by this report, July 1, 1989 through June 30, 1990, we experienced our busiest year ever.

We established new records in the number of employment complaints processed and resolved. South Carolina became only the second state in the country to enact a Fair Housing Law which "on its face" was deemed by the Department of Housing and Urban Development to be "substantially equivalent" with the 1988 Federal Law.

In addition, the General Assembly responded to the broad indignation that most South Carolinians expressed concerning incidents regarding public accommodations and put into our statutes a very strong public accommodations law.

I believe this report gives a very concise summary of our efforts to carry out the broad mandates of the South Carolina Human Affairs Law, the South Carolina Bill of Rights for Handicapped Citizens, the South Carolina Fair Housing Law and the Equal Enjoyment and Privileges to Public Accommodations Act. The board and staff of this agency continue to bring great pride to our State and its citizenry.

Sincerely,

James E. Clyburn
Commissioner

2611 Forest Drive • Post Office Box 4490 • Columbia, South Carolina 29240
• Administration (803) 253-6336 • Consultive Services (803) 253-6622 •
• Investigations (803) 253-6366 • Complaints (803) 253-6339 •
• or Toll Free (in-state only) 1-800-521-0725 FAX (803) 253-4191 •

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History and Purpose

The primary function of the South Carolina Human Affairs Commission is to administer and enforce the South Carolina Human Affairs Law, the South Carolina Bill of Rights for Handicapped Persons, the South Carolina Fair Housing Law and the Equal Employment and Public Accommodations Act. The major objective of each law is the prevention and elimination of discrimination.

South Carolina Human Affairs Commission

The Commission was created by the South Carolina General Assembly in 1963. Its primary activities include: investigating and attempting to resolve charges alleging discrimination; monitoring the employment practices and affirmative action efforts of state government agencies; providing training and technical assistance to employers and others who seek to comply with the Human Affairs Law; and to conduct and study problems which threaten the objectives of that law, in order to promote better community relations and interracial harmony.

The South Carolina Bill of Rights for Handicapped Persons was enacted in 1963. It guarantees that individuals are equal in employment, housing, full and equal use of public accommodations, public services, and to make use of educational facilities without discrimination because of physical or mental handicap.



The South Carolina Fair Housing Law was enacted in 1963. It gives the Commission jurisdiction to investigate all fair housing complaints in the State. Under the Fair Housing Law, it is unlawful to refuse to sell or rent a dwelling on the basis of race, color, religion, sex, familial status, national origin, or handicapping conditions. The law allows individuals to file a complaint with the Commission within 180 days after an alleged discriminatory housing practice occurs, or if a party believes a discriminatory housing practice is about to occur.

If a housing complaint hearing is held before the Commission, the remedies available are: restraining order, actual damages, civil penalties ranging from \$10,000 for first offense to maximum \$50,000 for subsequent offenses, and attorney fees. Complaints are handled confidentially.

F I S C A L Y E A R

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ANNUAL REPORT

Carroll A. Campbell, Jr.
Governor

James E. Clyburn
Commissioner

When a complaint is filed with the Commission, it shall determine if there is a basis for the complaint. If a complaint is found to be without basis, the Commission shall dismiss the complaint. If a complaint is found to be with basis, the Commission shall attempt to resolve the issue by conference, conciliation or persuasion. If the issue is not resolved, the Commission shall refer the matter to the State Human Affairs Tribunal. The Tribunal's enforcement powers are limited to the issuance of restraining orders, civil penalties, and attorney fees. It's jurisdiction covers public and private sectors. If a problem is not related to these areas, the Commission attempts to resolve the issue by conference, conciliation or persuasion.

To implement and enforce these important laws, the South Carolina Human Affairs Commission is organized in four units: Administrative, Legal, Consultative Services and Compliance Programs. This Annual Report covers activities of the Commission including highlights of each of the agency's units for the fiscal year beginning July 1, 1988 and ending June 30, 1989.

History and Purpose

The primary function of the South Carolina Human Affairs Commission is to administer and enforce the South Carolina Human Affairs Law, the South Carolina Bill of Rights for Handicapped Citizens, the South Carolina Fair Housing Law and the Equal Enjoyment and Privileges to Public Accommodations Act.. The major objectives of each law is the prevention and elimination of unlawful discrimination.

- The *South Carolina Human Affairs Law*, enacted in 1972, created the State Human Affairs Commission. The law was implemented to promote harmony and the betterment of human affairs in South Carolina and to allow for maximum development of the State economically, educationally and socially. The Commission administers the law in several ways. Its primary activities include investigating and attempting to resolve charges alleging discrimination; monitoring the employment practices and affirmative action efforts of state government agencies; providing training and technical assistance to employers and others who seek to comply with the Human Affairs Law; and to conduct and study problems which threaten the objectives of the Law, in order to promote better community relations and interracial harmony.

- The *South Carolina Bill of Rights for Handicapped Citizens* was enacted in 1983. It guarantees that individuals can obtain employment, housing, full and equal use of public accommodations, public services, and to make use of educational facilities without discrimination because of a handicap.

- The *South Carolina Fair Housing Law* was enacted in 1989 and gave the Commission jurisdiction to investigate all fair housing complaints in the State. Under the Fair Housing Act, it is unlawful to refuse to sell or rent a dwelling on the basis of race, color, religion, sex, familial status, national origin, or handicapping condition. The law allows individuals to file a complaint with the Commission within 180 days after an alleged discriminatory housing practice occurs, or if a party believes a discriminatory housing practice is about to occur.

If a housing complaint hearing is held before the Commission, the remedies available are; restraining order, actual damages, civil penalties ranging from \$10,000, for first offense to maximum \$50,000 for subsequent offenses, and attorney fees. If a trial is held in court, the remedies available are; injunction, restraining order, actual damages, punitive damages, court costs and attorney fees.

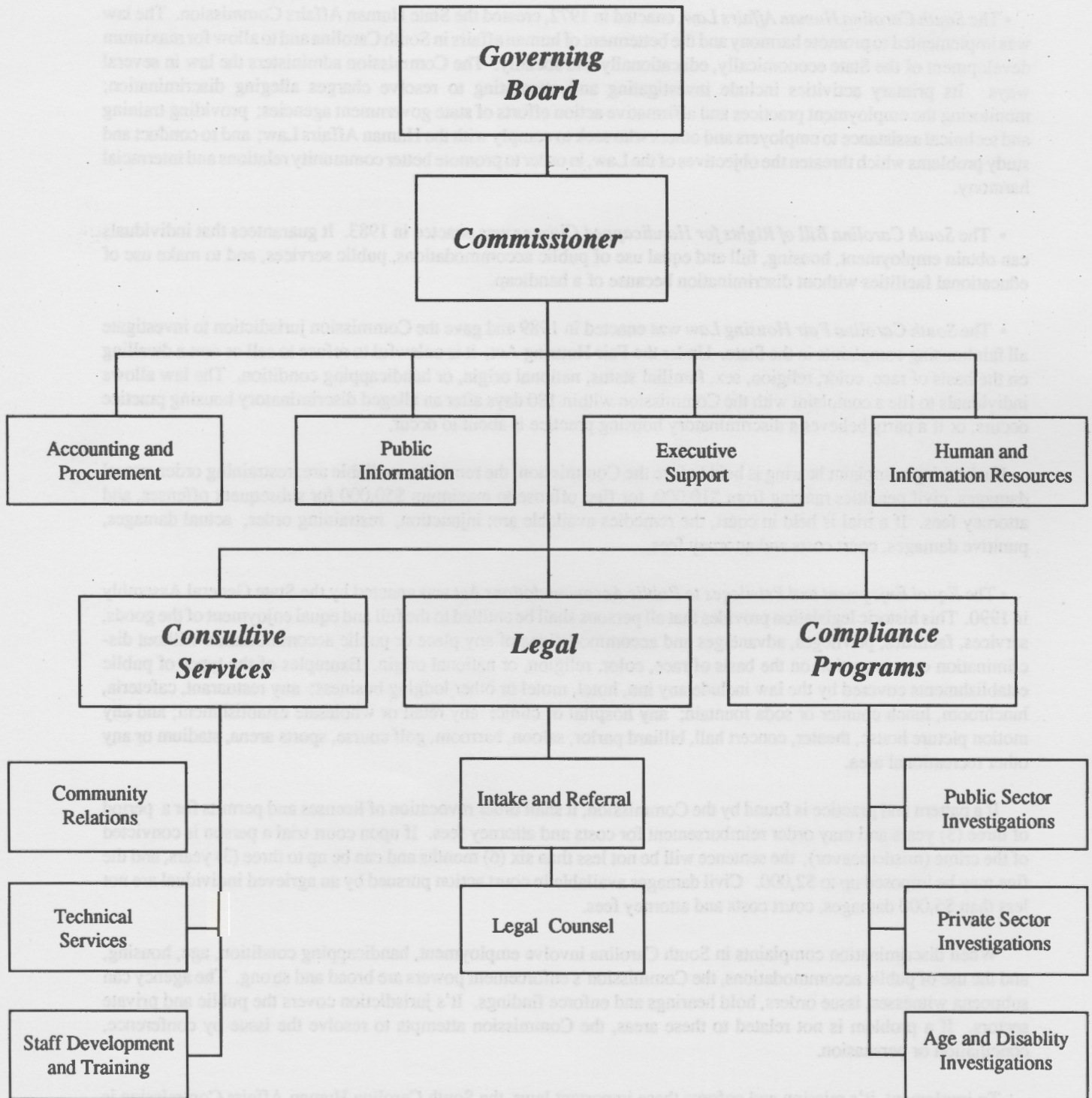
- The *Equal Enjoyment and Privileges to Public Accommodations Act* was enacted by the State General Assembly in 1990. This historic legislation provides that all persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place or public accommodation without discrimination or segregation on the basis of race, color, religion, or national origin. Examples of the types of public establishments covered by the law include any inn, hotel, motel or other lodging business; any restaurant, cafeteria, lunchroom, lunch counter or soda fountain; any hospital or clinic; any retail or wholesale establishment; and any motion picture house, theater, concert hall, billiard parlor, saloon, barroom, golf course, sports arena, stadium or any other recreational area.

If a pattern and practice is found by the Commission, it shall order revocation of licenses and permits for a period of three (3) years and may order reimbursement for costs and attorney fees. If upon court trial a person is convicted of the crime (misdemeanor), the sentence will be not less than six (6) months and can be up to three (3) years, and the fine may be imposed up to \$2,000. Civil damages available in court action pursued by an aggrieved individual are not less than \$5,000 damages, court costs and attorney fees.

When discrimination complaints in South Carolina involve employment, handicapping condition, age, housing, and the use of public accommodations, the Commission's enforcement powers are broad and strong. The agency can subpoena witnesses, issue orders, hold hearings and enforce findings. It's jurisdiction covers the public and private sectors. If a problem is not related to these areas, the Commission attempts to resolve the issue by conference, conciliation or persuasion.

To implement it's mission and enforce these important laws, the South Carolina Human Affairs Commission is organized in four units: Administrative, Legal, Consultive Services and Compliance Programs. This Annual Report covers activities of the Commission including highlights of each of the agency's units for the fiscal year beginning July 1, 1989 and ending June 30, 1990.

Organization Chart



Governing Board

At-Large-Members

Dr. Willis C. Ham (Chairman)..... Orangeburg, S.C.
 Bishop Johnnie Smith (Vice Chairman)..... Greenville, S.C.
 Emily P. Tompkins..... Columbia, S.C.

First District

Representing Beaufort, Charleston, Colleton, Dorchester, Hampton & Jasper counties

Ann Lucas..... Beaufort, S.C.
 Robert Pickering..... Charleston, S.C.

Second District

Dr. Ron Burton..... Columbia, S.C.
 S. Lyman Whitehead, Jr. Columbia, S.C.

Third District

Representing Abbeville, Aiken, Allendale, Anderson, Barnwell, Edgefield, Greenwood, McCormick, Oconee, Pickens & Saluda counties

Rufus Keys..... Belton, S.C.
 Wilmon McClellan..... Liberty, S.C.

Fourth District

Representing Greenville, Spartanburg & Union counties

Anthony D. Bell..... Spartanburg, S.C.
 Harry Luthi..... Greenville, S.C.

Fifth District

Representing Cherokee, Chester, Fairfield, Kershaw, Lancaster, Laurens, Lee Newberry, Sumter & York counties

Suzanne Smith..... Rock Hill, S.C.
 Susie Spradley Camden, S.C.

Sixth District

Representing Berkeley, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro & Williamsburg counties

Fred Sumter..... Georgetown, S.C.
 Charles Godwin..... Lake City, S.C.

Legislative Representatives

The Honorable Herbert U. Fielding (Senate)..... Charleston, S.C.
 The Honorable Lucille Whipper (House of Representatives)..... Charleston, S.C.

ADMINISTRATIVE

- **Directs overall operation of agency**
- **Reports to the Governing Board**
- **Prepares and monitors the annual budget**
- **Supervises human resource management**
- **Operates the computerized information system**
- **Responds to public and media inquiries**
- **Publishes reports, brochures and news releases**

Background

The Administrative Division is responsible for the overall operation and support services for the Agency. The Commissioner is the chief administrative officer and coordinates all agency operations. He is responsible to the seventeen (17) member Governing Board and insures that the agency's operations effectuate the policies, rules and regulations established by the Commission, and the mandates of the South Carolina Human Affairs Law. These include various regulations and reporting requirements of the Governor's Office, General Assembly, Budget and Control Board, and other state government agencies and certain federal regulations regarding recordkeeping and reporting.

To fulfill the agency's mission efficiently and effectively, the Administrative Division's staff provides direction and support for the agency's three (3) program units, Compliance Programs, Consultative Services and Legal. The Administrative Division staff also provides support for other special projects which may be developed by the Commission in order to effectuate the purposes of the South Carolina Human Affairs Law and Section 3, Article 1 of the Constitution of this State. The staff consists of fifteen (15) persons whose duties and responsibilities include the management of properties and supplies, public information services, personnel management, fiscal services and clerical support.

South Carolina Human Affairs Commission

Staff

I. Administrative

James E. Clyburn.....**Commissioner**

A. Executive Support

Thelma L. Baker.....**Administrative Assistant**
Winston Thomas.....**Executive Assistant**
Mary Williams.....**Information Support Specialist**
Johnny Williams.....**Security Officer**

B. Public Information

Dennis E. (Sandy) Nivens.....**Public Information Director**

C. Human and Information Resources

Virginia R. Newman.....**Personnel Officer**
Barbara J. Grant.....**Information Resource Coordinator**

D. Bookkeeping and Procurement

Judy C. Harris.....**Accounting Manager**
Pamela B. Walton.....**Senior Accountant**
Margaret H. Percell.....**Procurement Officer**

II. Legal and Intake Services

Georgia D. Ouzts.....**Legal Counsel**

A. Executive Support

Cynthia L. Rhine.....**Executive Support Specialist**
Phyllis L. Thompson.....**Executive Support Specialist**

B. Legal

Ralph Haile.....**Staff Counsel**

C. Intake and Referral

John D. R. Jones.....**Director**
Donald M. Frierson.....**Intake Consultant**
Samuel J. Washington.....**Intake Consultant**
Teresa C. Hicks.....**Intake Consultant**

III. Consultive Services

Paul W. Beazley.....**Deputy Commissioner**

A. Executive Support

Patricia C. Keisler.....**Executive Support Specialist**
Connie Middleton.....**Executive Support Specialist**

B. Technical Services Division

Janie B. Allison.....**Director**

Consultive Services (continued)

Daphne H. Battle.....EEO Consultant
Barry C. Keith.....EEO Consultant
Shirley C. Pride.....EEO Consultant
Marilyn J. Rowe.....EEO Consultant

C. Community Relations

Earl F. Brown, Jr.Director
Thomas M. Murphy.....Senior Analyst
Carlette Black.....Community Relations Consultant

D. Staff Development and Training

Mary D. Sneed.....Director
Sandra Baker.....Training Assistant

IV. Compliance Programs

Bobby D. Gist.....Deputy Commissioner

A. Executive Support

Lori J. Anderson.....Executive Support Specialist
Vicki A. Miller.....Executive Support Specialist

B. Private Sector Investigations Division

John H. Whittleton.....Director
Elizabeth A. Small.....Senior Analyst
Raymond H. Buxton, II.....Senior Analyst
Ann E. Deal.....Investigator
Delaine A. Frierson.....Investigator
Dalton J. Tresvant.....Investigator
John M. Wilson.....Investigator

C. Public Sector Investigations Division

Herb A. Lanford, Jr.Director
Larry M. McBride.....Senior Analyst
Janet T. Brown.....Investigator
Thaddeus Daise.....Investigator
Sharon A. Dorn.....Investigator
Daniel H. Koon.....Investigator
John D. Smith.....Investigator

D. Age and Disability Investigations Division

Barbara P. Lisbon.....Director
Richard A. Charles.....Senior Analyst
Samuel J. Selph.....Senior Analyst
Deborah F. Aiken.....Investigator

Statement of Expenditures

Fiscal Year 1989-90

Administrative:

Personal Services	\$ 406,831.77
Per Diem - Boards and Commissions.....	2,765.00
Contractual Services.....	65,463.00
Supplies and Materials.....	17,879.95
Fixed Charges and Contributions.....	107,438.49
Travel.....	23,777.74
Equipment.....	1,059.72
Transportation.....	1,084.00
Total	\$626,299.67

Consultive Services

Personal Services.....	\$425,015.77
Temporary Positions.....	509.81
Contractual Services.....	2,716.00
Supplies and Materials.....	8,701.69
Travel.....	12,011.94
Equipment.....	8,303.57
Total	\$457,258.78

Compliance Programs

Personal Services.....	\$558,128.49
Temporary Positions.....	3,394.07
Contractual Services.....	27,333.48
Supplies and Materials.....	16,750.05
Travel.....	21,417.57
Equipment.....	7,955.93
Total.....	586,307.75

Employer contributions.....	\$271,821.22
-----------------------------	--------------

Non-Recurring Appropriations

Personal Services.....	\$5,830.00
Contractual Services.....	3,628.72
Supplies and Materials.....	4,979.74
Equipment.....	186,892.00
Total	\$201,330.46

Summary of Expenditures

Total expenditures.....	\$2,143,017.88
Total funds.....	\$2,143,017.88
Source of Funds:	
1989-90 State Appropriations	\$1,691,166.38
1989-90 Non-Recurring Appropriations.....	\$ 201,330.46
Federal Funds.....	\$ 249,021.04
Special Revenue: Human Affairs Forum.....	\$ 1,500.00
Total	\$2,143,017.88

LEGAL

- **Conducts interviews and maintains records**
- **Initial contact for individuals filing discrimination complaints**
- **Informs complainants about discrimination violations status**
- **Analyzes federal and state legislation in civil rights and employment law**
- **Files complaints of civil rights violations with the United States Equal Employment Opportunity Commission**

Intake and Referral

The Intake and Referral Division serves as the initial contact point for all complaints of discrimination, in employment, housing and public accommodations, received by the Commission. Its primary responsibilities are to conduct interviews; gather essential information and documents; maintain complete records and files of complaint activity for tracking and reporting purposes; provide appropriate notices of complaints filed; perfect complaints and prepare them for investigation; dually file complaints with appropriate federal agencies; effect service of complaints; make appropriate referrals and provide other technical assistance to the public.

Legal Services

The Legal Counsel's office provides legal consultation and services to the Agency by reviewing complaints and investigated files; providing legal assistance to personnel in the conduct and performance of their duties; drafting legislation as appropriate; prosecuting complaints before the Commission as provided by law; and litigating cases in court as provided by law.

CONSULTIVE SERVICES

- **Assists the public, government agencies and private industry seeking information about discrimination**
- **Assists state government agencies in the development and implementation of affirmative action programs**
- **Conducts comprehensive community relations programs designed to prevent or resolve discrimination disputes**
- **Publishes "The Blueprint," a nationally-acclaimed "how-to" manual on affirmative action**
- **Publishes annual report showing affirmative action performance of state government agencies and educational institutions**
- **Conducts training workshops on such topics as employment law, affirmative action, compliance, sexual harassment and investigative techniques**

Background

The major responsibility of the Consultive Services Division is to fulfill the mandate in Section 1-13-40 (a) of the South Carolina Human Affairs Law:

"...to eliminate and prevent discrimination...and to foster mutual understanding among all people within this State."

Three sections comprise the Consultive Services Division. They are Technical Services, Staff Development and Training and Community Relations, and they function hand-in-hand as the preventive arm of the Commission. It is our belief that South Carolina citizens of good will can work together in an atmosphere of harmony, understanding, trust and progress, to resolve and prevent problems which may arise.

The majority of such problems are solved in an informal manner with staff members working directly with affected parties or referring them to the appropriate agency. The three sections within the Consultive Services Division work together to provide the kinds of services envisioned by the lawmakers in Sections 1-13-70 (d), (e), (f), (g), (h), (i) (l) (n) and (t) of the South Carolina Human Affairs Law. The specific program responsibilities are listed for each section on the following pages.

Technical Services

The Division of Technical Services' primary function is to assist state agencies with the development and implementation of their affirmative action plans and affirmative action programs. The Division provides assistance to employers who are developing and/or revising personnel policies and procedures in the areas of recruitment, hiring, compensation, benefits, promotions, transfers, layoffs, recalls from layoffs, and other areas of human resource management. Assistance is also provided to private sector employers upon request.

Technical Assistance

Five hundred and twenty-seven(527) technical assistance visits were conducted during fiscal year 1989-90. The staff handled more than 900 inquiries by telephone. The majority of visits and inquiries were related to developing, revising, and implementing the goals established in written affirmative action plans.

The Affirmative Action Plan

The affirmative action plan is a document describing the steps agencies will take to employ a fair representation of minorities and women at all job levels in the workforce. Affirmative action plans approved by the South Carolina Human Affairs Commission must contain the following information:

Section A - Policy Statement

Section B - Responsibilities for Implementation

Section C - Policy Dissemination

Section D - Utilization and Availability Analyses

1. Workforce analysis
2. Job group analysis
3. Availability analysis
4. Underutilization analysis

Section E - Goals and Timetables

1. Annual goals
2. Ultimate goals

Section F - Identification of Problem Areas and Corrective Actions

1. Problem areas
2. Corrective actions

Section G - Internal Audit and Reporting Systems

Section H - Affirmative Action Plan Support Documentation

During the course of the year, the Technical Services Division monitored and evaluated affirmative action plans from 89 state agencies and from several municipalities. Several of the state agencies' plans included analyses by satellite locations, which brought the actual number of individual plans received and evaluated to approximately 315.

To ensure that the goals and timetables established in the plans were reasonable and obtainable, the Technical Services Division continued to maintain data on the number of persons available by race and sex with the necessary requisite skills to fill positions in various occupational categories. This information was made available by Metropolitan Statistical Areas (MSA), counties and the State of South Carolina. The information was made available to both state agencies and private sector employers.

Upon written request, state agencies' affirmative action plans are subject to public review.

Publications

Yearly, the Division of Technical Services undertakes the project of determining the level of affirmative action goal attainment achieved by state agencies. The results of the project were compiled in the Division's annual report to the General Assembly entitled "A Little Bit Wider: Status of State Agencies' Affirmative Action Plans and Programs" - February 1, 1990. Table I shows the approval status of state agencies' affirmative action plans as reported in the February 1, 1990 report. Table II, Charts A through E, shows the average level of goal attainment achieved by non-exempt agencies since 1982. Also included in the February 1, 1990 report was an evaluation of each agency's progress towards meeting its annual goals over a one year period.

Status of State Government Workforce

Table III shows the distribution of employees by number, percentage, race, sex and job grade in South Carolina State Government as of July 1990.

1. White males dominated the highest paying classifications, grades 41 through 59. They held 70.4 percent of the jobs in grades 41-50, and 60.7 percent of the jobs in grades 51-59. They were least represented in the lowest paying job grades (10-20) where they held 12.0 percent, or 2499 of the 20,668 positions. Overall, they comprised 31.6 percent of the state government workforce, down 0.4 percent since July 1989 (See Table IV).

2. Black male representation was highest (17.7%) in the lowest paying job grades, grades 10 through 20. As of July 1990, black males gained a total of 244 additional positions in the state government workforce (See Table IV). The majority of these positions were assigned to grade levels 21 through 30. Black males achieved small gains in grade levels 31 through 40. Black males occupied 12.6 percent of all positions in state government as of July 1990. Despite a gain of 244 positions, their percentage of the State government work force remained unchanged.

3. White female percentage representation was highest in job grades 31-40. This represented a shift from grades 21-30, where for several years they showed their greatest percentage representation. White females continued to show their greatest presence in grades 21-30. White females comprised 34.4 percent of the State's overall workforce. There was an increase of 653 white females in the state government workforce during the year (See Table IV). The majority of these persons were assigned to grades 21 through 40. The most significant gain in white female representation occurred within pay grades 31 through 40, where their representation increased 1.1 percent in these positions.

4. Black females experienced a gain of 555 jobs in State government during the fiscal year and showed their greatest numerical gains in grades 21 through 40 (See Table IV). Only five black females were employed in grades 51 and above. Black females continued to be concentrated in grades 10 through 20 where they occupied 37.1 percent of these positions. Overall, black females comprised 20.1 percent of the total state government workforce.

Table IV shows a comparison of the employment patterns by race/sex groups as of July 1989 and July 1990. In grades 10 through 20, women held 69.5 percent of the 20,668 positions. The majority of the positions assigned grades 10 through 20 fell within the clerical, paraprofessional and/or service related occupations. Black females held more positions in these grades than any other group. However, a larger number of the black females were employed in service maintenance positions compared to white females (See Table V, E-8). Considering the clerical, paraprofessional and service related occupations, more than 70.0 percent of the white females were employed in office occupations, which serves as a line of progression to higher graded and higher paying positions. Males held fewer positions in grades 10 through 20. Of the positions held by males, most were in service maintenance and/or paraprofessional positions. (see Table V). More black males were employed in service maintenance positions compared to white males and compared to all women combined.

It appears that in grades 21 through 30 more males than females were hired from outside state government. Women appeared to have a better chance of being promoted from inside state government. Positions assigned grades 21 through 30 are primarily paraprofessional and entry level professional types, and require workers to possess an associate and/or bachelor's degree with one or two years of work experience.

In grades 31 through 40, white males and white females held 84.2 percent of the 11,517 positions (See Table IV). Blacks held only 14.5 percent of the higher paying positions. Black females held more positions than black males. Grades 31 through 40 were assigned primarily to professional and supervisory level positions.

White females continued to make steady progress in grades 41 through 50. Managers generally occupied the majority of positions assigned grades 41 through 50. As in past years, white males continued to dominate this category. Blacks held only 107 of the 1,670 positions assigned to grades 41 through 50.

In the executive level positions, assigned to grades 51 through 59, white males continued to dominate. Other minorities, excluding blacks and white females, held more positions at these levels than the combined group of white females, black males and black females. There were 51 other ethnic minorities who were not counted in white or black categories, but were included in the total of persons assigned to grades 51 through 59. Most of these other ethnic minorities were employed in medical related occupations.

The unclassified workforce accounted for approximately 12.3 percent of state government employees in 1990. The majority of the positions in state government with no grade assignments (unclassified) were located in the State's colleges and universities and included faculty members, administrators and other support staff. Agency directors are also counted among unclassified personnel. White males continued to hold the majority of these positions, followed by white females. Black males and black females respectively held 4.5 and 4.6 percent representation in the group. Other minorities, excluding blacks and white females, showed 3.1 percent representation in the unclassified workforce.

It appears that affirmative action in the state government is having some minimal effect. However, the disparities which exist within the upper level pay grades make the State still vulnerable to successful litigation under the Human Affairs Law and Title VII of the 1964 Civil Rights Act, as amended. Much remains to be done to bring about parity for blacks and white females at all levels of the State government workforce.

TABLE 1
EXEMPT AGENCIES
(As of September 30, 1989)

The following state government agencies have achieved their affirmative action goals and had workforces that reflected fair representation of all race and sex groups. These agencies are commended for their good faith efforts and equal employment.

Aging, Commission on
Arts Commission
Beaufort Technical College
Consumer Affairs, Department of
Executive Policy Programs, Office of
Higher Education, Commission on
Housing Authority, State
Nursing, State Board of
Williamsburg Technical College

TABLE 1

STATUS OF AFFIRMATIVE ACTION PLANS

APPROVED AGENCIES

The agencies listed below have developed affirmative action plans in accordance with Section 1-13-110 of the South Carolina Code of Laws of 1976, as amended. Each plan approved by the Commission was constructed according to standards contained in THE BLUEPRINT.

ABC Commission
Adjutant General's Office
Aeronautics Commission
Agriculture, Department of
Alcohol and Drug Abuse Commission
Appellate Defense, Office of
Archives and History Department
Attorney General's Office
Auditor's Office, State
Blind, Commission for the
Budget and Control Board
Children's Foster Care Review Board System
Citadel, The
Clemson University
Coastal Council
College of Charleston
Comptroller General's Office
Corrections, Department of
Criminal Justice Academy
Deaf and Blind, School for the
Development Board, State
Education, Department of
Educational Television Commission
Election Commission, State
Employment Security Commission
Financial Institutions, State Board for
Forestry Commission

Francis Marion College
Health and Environmental Control
Health and Human Services Finance Commission
Highway Department
Insurance Commission
John de la Howe School
Labor Department
Land Resources Conservation Commission
Lander College
Law Enforcement Division, State
Library, State
Medical University
Mental Health Department
Mental Retardation Department
Museum Commission
Opportunity School, Wil Lou Gray
Parks, Recreation and Tourism
Probation, Parole and Pardon Services
Patriot's Point Development Authority
Ports Authority, State
Public Service Authority (Santee Cooper)
Public Service Commission
Real Estate Commission
Retirement System
Secretary of State
Social Services, Department of
State College, South Carolina

Tax Commission
Technical and Comprehensive Education,
State Board for
Aiken Technical College
Chesterfield-Marlboro Technical College
Denmark Technical College
Florence-Darlington Technical College
Greenville Technical College
Horry-Georgetown Technical College
Midlands Technical College
Orangeburg-Calhoun Technical College
Piedmont Technical College
Spartanburg Technical College
Sumter Technical College
Tri-County Technical College
Trident Technical College
York Technical College
Treasurer's Office, State
University of South Carolina
Veterans' Affairs, Department of
Vocational Rehabilitation, Department of
Water Resources Commission
Wildlife and Marine Resources Commission
Winthrop College
Workers' Compensation Commission
Workers' Compensation Fund
Youth Services, Department of

Table II Chart A - Percentage Level of Goal Attainment by Alphabetical Order

Agencies	Ranking	Percent	Number of Goals	Number of Employees	Agencies	Ranking	Percent	Number of Goals	Number of Employees
ABC Commission	31	67.5	12	86	Mental Health, Department of	13	75.2	24	6205
Adjutant General's Office	71	37	21	181	Mental Retardation, Department of	10	75.9	24	4207
Aeronautics Commission	36	66.6	9	38	Museum Commission, S.C.	52	57.8	15	68
Agriculture Department	47	60.6	15	191	Opportunity School, Wil Lou Gray	8	76.7	18	89
Alcohol and Drug Abuse Commission	12	75.5	9	74	Parks, Recreation & Tourism Dept.	37	66.5	18	476
Appellate Defense, Office of	62	50	6	13	Probation, Parole & Pardon Services	1	90.1	9	653
Archives and History Department	25	69.4	12	115	Patriot's Point Dev. Authority	72	33.7	9	39
Attorney General's Office	9	76	9	102	Ports Authority, State	68	42.6	24	451
Auditor's Office, State	67	43.2	9	67	Public Service Authority	55	56.5	18	1601
Blind, Commission for the	16	73.1	12	108	Public Service Commission	66	46.2	15	144
Budget and Control Board	43	63.9	21	963	Real Estate Commission	59	51.5	9	34
Children's Foster Care Rev. Bd. Sys.	54	57.2	6	14	Retirement System	39	65.7	15	104
Citadel, The	61	50.2	42	540	Secretary of State	57	55.5	9	38
Clemson University	17	72.4	51	3682	Social Services, Department of	23	71.3	21	4296
Coastal Council	50	59.4	6	37	State College, South Carolina	29	67.9	45	813
College of Charleston	49	60.1	33	649	Tax Commission	18	72.3	18	804
Comptroller General's Office	15	74.6	9	92	Technical and Comprehensive Educ.	22	71.6	15	130
Corrections, Department of	8	76.7	24	5645	Aiken Technical College	34	67.1	15	113
Criminal Justice Academy	63	49	12	90	Chesterfield-Marlboro Tech. Col.	58	53.3	15	66
Deaf and Blind, School for the	21	71.7	21	416	Denmark Technical College	25	69.4	15	113
Development Board, State	32	67.4	9	77	Florence-Darlington Tech. Col.	41	64.2	15	204
Education, Department of	60	51.2	21	1072	Greenville Technical College	30	67.6	21	460
Educational Television Commission	4	82.6	15	364	Horry-Georgetown Technical Col.	61	50.2	18	134
Election Commission, State	10	75.9	6	17	Midlands Technical College	7	78.5	18	483
Employment Security Commission	24	70.1	18	1120	Orangeburg-Calhoun Technical Col.	40	64.6	21	156
Financial Institutions, Board of	70	38.7	9	29	Piedmont Technical College	46	61.9	21	178
Forestry Commission	65	47.3	21	583	Spartanburg Technical College	53	57.4	15	176
Francis Marion College	45	63.3	39	411	Sumter Technical College	42	64	18	154
Health and Environmental Control	26	68.7	24	3911	Tri-County Technical College	20	71.9	18	210
Health & Human Services Fin. Comm.	6	78.8	12	431	Trident Technical College	19	72.2	24	378
Highway Department (exclud. Patrol)	53	57.4	18	6114	York Technical College	51	58.9	18	193
Law Enforcement Division (Patrol)	64	48.1	18	1166	Treasurer's Office	2	85.3	12	66
Insurance Department	4	82.6	12	110	University of South Carolina	33	67.3	51	5307
John de la Howe School	30	67.6	12	108	Veterans' Affairs, Department of	56	55.7	6	17
Labor Department	27	68.5	9	129	Vocational Rehabilitation Dept.	35	66.9	15	1105
Land Resources Conservation Comm.	28	68.1	6	61	Water Resources Commission	36	66.6	12	63
Lander College	48	60.5	33	280	Wildlife and Marine Resources Dept.	69	40.4	21	741
Law Enforcement Div., State (SLED)	38	66.2	15	410	Winthrop College	11	75.7	42	731
Library, State	3	82.7	9	50	Workers' Compensation Commission	5	82	9	80
Medical University	43	63.9	48	4563	Workers' Compensation Fund	44	63.7	6	60
					Youth Services, Department of	14	74.7	24	1019

Table II Chart B - Percentage Level of Goal Attainment Ranked from Highest to Lowest

Ranking	Agencies	Percent	Number of Goals	Number of Employees	Ranking	Agencies	Percent	Number of Goals	Number of Employees
1	Probation, Parole and Pardon Services	90.1	9	653	37	Parks, Recreation & Tourism Dept.	66.5	18	476
2	Treasurer's Office, State	85.3	12	66	38	Law Enforcement Div., State (SLED)	66.2	15	410
3	Library, State	82.7	9	50	39	Retirement System	65.7	15	104
4	Educational Television Commission	82.6	15	364	40	Orangeburg-Calhoun Technical Col.	64.6	21	156
	Insurance Department	82.6	12	110	41	Florence-Darlington Technical Col.	64.2	15	204
5	Workers' Compensation Commission	82	9	80	42	Sumter Technical College	64	18	154
6	Health & Human Services Finance Com.	78.8	12	431	43	Medical University	63.9	48	4563
7	Midlands Technical College	78.5	18	483		Budget and Control Board	63.9	21	963
8	Corrections, Department of	76.7	24	5645	44	Workers' Compensation Fund	63.7	6	60
	Opportunity School, Wil Lou Gray	76.7	18	89	45	Francis Marion College	63.3	39	411
9	Attorney General's Office	76	9	102	46	Piedmont Technical College	61.9	21	178
10	Election Commission, State	75.9	6	17	47	Agriculture Department	60.6	15	191
	Mental Retardation, Department of	75.9	24	4207	48	Lander College	60.5	33	280
11	Winthrop College	75.7	42	731	49	College of Charleston	60.1	33	649
12	Alcohol and Drug Abuse Commission	75.5	9	74	50	Coastal Council	59.4	6	37
13	Mental Health, Department of	75.2	24	6205	51	York Technical College	58.9	18	193
14	Youth Services Department	74.7	24	1019	52	Museum Commission, S.C.	57.8	15	68
15	Comptroller General's Office	74.6	9	92	53	Spartanburg Technical College	57.4	15	176
16	Blind, Commission for the	73.1	12	108		Highway Dept. (excluding Patrol)	57.4	18	6114
17	Clemson University	72.4	51	3682	54	Children's Foster Care Rev. Bd. Sys.	57.2	6	14
18	Tax Commission	72.3	18	804	55	Public Service Authority	56.5	18	1601
19	Trident Technical College	72.2	24	378	56	Veterans' Affairs	55.7	6	17
20	Tri-County Technical College	71.9	18	210	57	Secretary of State	55.5	9	38
21	Deaf and Blind, School for the	71.7	21	416	58	Chesterfield-Marlboro Tech. Col.	53.3	15	66
22	Technical and Comprehensive Educ.	71.6	15	130	59	Real Estate Commission	51.5	9	34
23	Social Services, Department of	71.3	21	4296	60	Education, Department of	51.2	21	1072
24	Employment Security Commission	70.1	18	1120	61	Horry-Georgetown Tech. College	50.2	18	134
25	Archives and History Department	69.4	12	115		Citadel, The	50.2	42	540
	Denmark Technical College	69.4	15	113	62	Appellate Defense, Office of	50	6	13
26	Health and Environmental Control	68.7	24	3911	63	Criminal Justice Academy	49	12	90
27	Labor Department	68.5	9	129	64	Highway Dept. /Law Enforcement Division (Patrol)	48.1	18	1166
28	Land Resources Conservation Com.	68.1	6	61	65	Forestry Commission	47.3	21	583
29	State College, South Carolina	67.9	45	813	66	Public Service Commission	46.2	15	144
30	Greenville Technical College	67.6	21	460	67	Auditor's Office	43.2	9	67
	John de la Howe School	67.6	12	108	68	Ports Authority, State	42.6	24	451
31	ABC Commission	67.5	12	86	69	Wildlife & Marine Resources Dept.	40.4	21	741
32	Development Board, State	67.4	9	77	70	Financial Institutions, Board of	38.7	9	29
33	University of South Carolina	67.3	51	5307	71	Adjutant General's Office	37	21	181
34	Aiken Technical College	67.1	15	113	72	Patriot's Point Dev. Authority	33.7	9	39
35	Vocational Rehabilitation Department	66.9	15	1005					
36	Water Resources Commission	66.6	12	63					
	Aeronautics Commission	66.6	9	38					

Table II Chart C - Percentage Level of Change in Alphabetical Order

Agencies	Number of Goals	Ranking		% Level of Goal Attainment		(+/-) % of Change
		1988	1989	1988	1989.0	
ABC Commission	12	45	31	62.1	67.5	+5.4
Adjutant General's Office	21	74	71	36.4	37.0	+0.6
Aeronautics Commission	21	70	36	43.3	66.6	+23.3
Agriculture Department	15	49	47	60.3	60.6	+0.3
Alcohol and Drug Abuse Commission	12	2	12	80.7	75.5	-5.2
Appellate Defense, Office of	6	64	62	50.0	50.0	
Archives and History Department	12	28	25	67.9	69.4	+1.5
Attorney General's Office	9	17	9	71.0	76.0	+5.0
Auditor's Office	9	38	67	65.0	43.2	-21.8
Blind, Commission for the	12	28	16	67.9	73.1	+5.2
Budget and Control Board	21	40	43	64.6	63.9	-0.7
Children's Foster Care Rev. Bd. Sys.	6		54		57.2	
Citadel, The	42	68	61	46.4	50.2	+3.8
Clemson University	51	23	17	69.9	72.4	+2.5
Coastal Council	6	27	50	68.8	59.4	-9.4
College of Charleston	33	26	49	68.9	60.1	-8.8
Comptroller General's Office	9	8	15	76.1	74.6	-1.5
Corrections, Department of	24	3	8	80.4	76.7	-3.7
Criminal Justice Academy	12	58	63	52.7	49.0	-3.7
Deaf and Blind, School for the	21	19	21	70.7	71.7	+1.0
Development Board, State	9	50	32	59.3	67.4	+8.1
Education, Department of	21	41	60	64.4	51.2	-13.2
Educational Television Commission	15	14	4	74.2	82.6	+8.4
Election Commission, State	6		10		75.9	
Employment Security Commission	18	35	24	65.9	70.1	+4.2
Financial Institutions, Board of	9	72	70	39.1	38.7	-0.4
Forestry Commission	21	73	65	38.3	47.3	+9.0
Francis Marion College	39	47	45	61.7	63.3	+1.6
Health and Environmental Control	24	28	26	67.9	68.7	+0.8
Health & Human Services Fin. Com.	12	9	6	76.0	78.8	+2.8
Highway Department (excluding Patrol)	18	61	53	51.2	57.4	+6.2
Law Enforcement Division (Patrol)	18	66	64	47.2	48.1	+0.9
Insurance Department	12	33	4	66.4	82.6	+16.2
John de la Howe School	12	30	30	67.4	67.6	+0.2
Labor Department	9	39	27	64.7	68.5	+3.8
Land Resources Conservation Com.	6	25	28	69.0	68.1	-0.9

(continued)

Chart C - Percentage Level of Change (Alphabetical Order)

Agencies	Number of Goals	Ranking		% Level of Goal Attainment		(+) (-) % of Change
		1988	1989	1988	1989	
Lander College	33	53	48	56.7	60.5	+3.8
Law Enforcement Div., State (SLED)	15	46	15	61.9	66.2	+4.3
Library, State	9	15	3	72.1	82.7	+10.6
Medical University	48	57	43	53.3	63.9	+10.6
Mental Health, Department of	24	9	13	76.0	75.2	-0.8
Mental Retardation, Department of	24	12	10	74.6	75.9	+1.3
Museum Commission, S.C.	15	59	52	51.7	57.8	+6.1
Opportunity School, Wil Lou Gray	18	18	8	70.9	76.7	+5.8
Parks, Recreation & Tourism	18	24	37	69.2	66.5	-2.7
Probation, Parole and Pardon Services	9	1	1	91.0	90.1	-0.9
Patriot's Point Dev. Authority	9	67	72	47.0	33.7	-13.3
Ports Authority, State	24	71	68	41.8	42.6	+0.8
Public Service Authority	18	52	55	57.1	56.5	-0.6
Public Service Commission	15	69	66	44.5	46.2	+1.7
Real Estate Commission	9	60	59	51.6	51.5	-0.1
Retirement System	15	32	39	66.5	65.7	-0.8
Secretary of State	9	55	57	55.5	55.5	
Social Services, Department of	21	20	23	70.4	71.3	+0.9
State College, South Carolina	45	34	29	66.1	67.9	+1.8
Tax Commission	18	13	18	74.5	72.3	-2.2
Technical and Comprehensive Educ.	15	36	22	65.7	71.6	+5.9
Aiken Technical College	15	23	34	69.9	67.1	-2.8
Chesterfield-Marlboro Tech. Col.	15	65	58	47.4	53.3	+5.9
Denmark Technical College	15	48	25	61.3	69.4	+8.1
Florence-Darlington Tech Col.	15	29	41	67.7	64.2	-3.5
Greenville Technical College	21	16	30	71.2	67.6	-3.6
Horry-Georgetown Technical Col.	18	44	61	62.8	50.2	-12.6
Midlands Technical College	18	4	7	79.8	78.5	-1.3
Orangeburg-Calhoun Technical Col.	21	31	40	66.8	64.6	-2.2
Piedmont Technical College	21	56	46	54.1	61.9	+7.8
Spartanburg Technical College	15	63	53	50.4	57.4	+7.0
Sumter Technical College	18	51	42	57.9	64.0	+6.1
Tri-County Technical College	18	7	20	76.4	71.9	-4.5
Trident Technical College	24	22	19	70.2	72.2	+2.0
York Technical College	18	43	51	64.0	58.9	-5.1
Treasurer's Office, State	12	6	2	78.2	85.3	+7.1
University of South Carolina	51	37	33	65.1	67.3	+2.2
Veteran's Affairs, Department of	6	54	56	56.4	55.7	-0.7
Vocational Rehabilitation, Dept. of	15	21	35	70.3	66.9	-3.4
Water Resources Commission	12	62	36	50.8	66.6	+15.8
Wildlife and Marine Resources Dept.	21	75	69	35.6	40.4	+4.8
Winthrop College	42	10	11	75.5	75.7	+0.2
Workers' Compensation Commission	9	5	5	79.5	82.0	+2.5
Workers' Compensation Fund	6	42	44	64.2	63.7	-0.5
Youth Services, Department of	24	11	14	74.8	74.7	-0.1

Table II Chart D - Goal Attainment by Agency Size

Number of Employees	Agencies	Ranking	Percent	Number of Goals	Number of Employees	Agencies	Ranking	Percent	Number of Goals
6205	Mental Health, Department of	13	75.2	24	176	Spartanburg Technical College	53	57.4	15
6114	Highway Department (Excluding Patrol)	53	57.4	18	156	Orangeburg-Calhoun Technical College	40	64.6	21
5645	Department of Corrections	8	76.7	24	154	Sumter Technical College	42	64.0	18
5307	University of South Carolina	33	67.3	51	144	Public Service Commission	66	46.2	15
4563	Medical University	43	63.9	48	134	Horry-Goergetown Technical College	61	50.2	18
4296	Social Services, Department of	23	71.3	21	130	Technical & Comprehensive Education	22	71.6	15
4207	Mental Retardation, Department of	10	75.9	24	129	Labor Department	27	68.5	9
3911	Health and Environmental Control	26	68.7	24	115	Archives & History Department	25	69.4	12
3682	Clemson University	17	72.4	51	113	Denmark Technical College	25	69.4	15
1601	Public Service Authority	55	56.5	18	113	Aiken Technical College	34	67.1	15
1166	Highway Department (Patrol)	64	48.1	18	110	Insurance Department	4	82.6	12
1120	Employment Security Commission	24	70.1	18	108	Blind, Commission for the	16	73.1	12
1072	Education, Department of	60	51.2	21	108	John de la Howe School	30	67.6	12
1019	Youth Services Department	14	74.7	24	104	Retirement System	39	65.7	15
1005	Vocational Rehabilitation Department	35	66.9	15	102	Attorney General's Office	9	76.0	9
963	Budget and Control Board	43	63.9	21	92	Comptroller General's Office	15	74.6	9
813	South Carolina State College	29	67.9	45	90	Criminal Justice Academy	63	49.0	12
804	Tax Commission	18	72.3	18	89	Opportunity School, Wil Lou Gray	8	76.7	18
741	Wildlife and Marine Resources	69	40.4	21	86	ABC Commission	31	67.5	12
731	Winthrop College	11	75.7	42	80	Workers' Compensation Commission	5	82.0	9
653	Probation, Parole and Pardon Services	1	90.1	9	77	Development Board, State	32	67.4	9
649	College of Charleston	49	60.1	33	74	Alcohol & Drug Abuse Commission	12	75.5	9
583	Forestry Commission	65	47.3	21	68	Museum Commission	52	57.8	15
540	The Citadel	61	50.2	42	67	Auditor's Office, State	67	43.2	9
483	Midlands Technical College	7	78.5	18	66	Chesterfield-Marlboro Technical Col.	58	53.3	15
476	Parks, Recreation & Tourism	37	66.5	18	66	Treasurer's Office, State	2	85.3	12
460	Greenville Technical College	30	67.6	21	63	Water Resources Conservation Comm.	36	66.6	12
451	Ports Authority, State	68	42.6	15	61	Land Resources Conservation Comm.	28	68.1	6
431	Health & Human Services Finance Com.	6	78.8	12	60	Workers' Compensation Fund	44	63.7	6
416	Deaf & Blind, School for the	21	71.7	21	50	Library, State	3	82.7	9
411	Francis Marion College	45	63.3	39	39	Partiot's Point Development Authority	72	33.7	9
410	Law Enforcement Div., State (SLED)	38	66.2	15	38	Secretary of State	57	55.5	9
378	Trident Technical College	19	72.2	24	38	Aeronautics Commission	36	66.6	9
364	Educational Television Commission	4	82.6	15	37	Coastal Council	50	59.4	9
280	Lander College	48	60.5	33	34	Real Estate Commission	59	51.5	6
210	Tri-County Technical College	20	71.9	18	29	Financial Institutions, Board of	70	38.7	9
204	Florence-Darlington Technical College	41	64.2	15	17	Election Commission, State	10	75.9	9
193	York Technical College	51	58.9	18	17	Veteran's Affairs, Department of	56	55.7	6
191	Agriculture Department	47	60.6	15	14	Children's Foster Care Review Bd. Sys	54	57.2	6
181	Adjutant's General's Office	71	37.0	21	13	Appellate Defense, Office of	62	50.0	6
178	Piedmont Technical College	46	61.9	21					

TABLE II Chart E - Goal Attainment by Number of Goals

Number of Goals	Agencies	Percent	Ranking	Number of Employees	Number of Goals	Agencies	Percent	Ranking	Number of Employees
51	Clemson University	72.4	17	3682	15	Public Service Commission	46.2	66	144
51	University of South Carolina	67.3	33	5307	15	Technical and Comprehensive Education	71.6	22	130
48	Medical University	63.9	43	4563	15	Retirement System	65.7	39	104
45	South Carolina State College	67.9	29	813	15	Aiken Technical College	67.1	34	113
42	Winthrop College	75.7	11	731	15	Denmark Technical College	69.4	25	113
42	The Citadel	50.2	61	540	15	Florence-Darlington Technical College	64.2	41	204
39	Francis Marion College	63.3	45	411	15	Spartanburg Technical College	57.4	53	176
33	College of Charleston	60.1	49	649	15	Chesterfield-Marlboro Technical College	53.3	58	66
33	Lander College	60.5	48	280	15	Agriculture Department	60.6	47	191
24	Mental Health, Department of	75.2	13	6205	15	Educational Television Commission	82.6	4	364
24	Trident Technical College	72.2	19	378	12	Treasurer's Office, State	85.3	2	66
24	Ports Authority, State	42.6	68	451	12	ABC Commission	67.5	31	86
24	Health & Environmental Control	68.7	26	3911	12	Blind, Commission for the	73.1	16	108
24	Mental Retardation, Department of	75.9	10	4207	12	Health & Human Services Finance Com	78.8	6	431
24	Corrections, Department of	76.7	8	5645	12	Archives and History Department	69.4	25	115
24	Youth Services, Department of	74.7	14	1019	12	Criminal Justice Academy	49	63	90
21	Social Services, Department of	71.3	23	4296	12	Water Resources Commission	66.6	36	63
21	Wildlife and Marine Resources Dept.	40.4	69	741	12	John de la Howe School	67.6	30	108
21	Piedmont Technical College	61.9	46	178	12	Insurance Department	82.6	4	110
21	Orangeburg-Calhoun Technical College	64.6	40	156	9	Library, State	82.7	3	50
21	Greenville Technical College	67.6	30	460	9	Secretary of State	55.5	57	38
21	Forestry Commission	47.3	65	583	9	Real Estate Commission	51.5	59	34
21	Deaf and Blind, School for the	71.7	21	416	9	Probation, Parole and Pardon Services	90.1	1	653
21	Adjutant General's Office	37.0	71	181	9	Patriot's Point Development Authority	33.7	72	39
21	Budget and Control Board	63.9	43	963	9	Comptroller General's Office	74.6	15	92
21	Education, Department of	51.2	60	1072	9	Attorney General's Office	76	9	102
18	Tax Commission	72.3	18	804	9	Auditor's Office, State	43.2	67	67
18	Parks, Recreation & Tourism	66.5	37	476	9	Financial Institutions, Board of	38.7	70	29
18	Public Service Authority	56.5	55	1601	9	Alcohol and Drug Abuse Commission	75.5	12	74
18	Horry-Georgetown Technical College	50.2	61	134	9	Aeronautics Commission	66.6	36	38
18	Midlands Technical College	78.5	7	483	9	Development Board, State	67.4	32	77
18	Sumter Technical College	64.0	42	154	9	Workers' Compensation Commission	82	5	80
18	Tri-County Technical College	71.9	20	210	9	Labor Department	68.5	27	129
18	York Technical College	58.9	51	193	6	Appellate Defense, Office of	50	62	13
18	Opportunity School, Wil Lou Gray	76.7	8	89	6	Children's Foster Care Review Bd. Sys	57.2	54	14
18	Employment Security Commission	70.1	24	1120	6	Election Commission, State	75.9	10	17
18	Highway Department (Excluding Patrol)	57.4	53	6114	6	Veterans' Affairs, State	55.7	56	17
18	Highway Department (Patrol)	48.1	64	1166	6	Coastal Council	59.4	50	37
15	Law Enforcement Division, State (SLED)	66.2	38	410	6	Workers' Compensation Fund	63.7	44	60
15	Museum Commission	57.8	52	68	6	Land Resources Conservation Commission	68.1	28	61
15	Vocational Rehabilitation Department	66.9	35	1005					

TABLE II
Chart F- Comparison of Goal Attainment Among
Four-Year Colleges and Universities

Ranking		Agencies	Percent	Number of Goals	Number of Employees
Overall	Group				
11	1	Winthrop College	75.7	42	731
17	2	Clemson University	72.4	51	3682
29	3	S.C. State College	67.9	45	813
33	4	University of South Carolina	67.3	51	5307
43	5	Medical University	63.9	48	4563
45	6	Francis Marion College	63.3	39	411
48	7	Lander College	60.5	33	280
49	8	College of Charleston	60.1	33	649
61	9	The Citadel	50.2	42	540

TABLE II
Chart G - Comparison of Goal Attainment
Among Technical Colleges

Ranking		Agencies	Percent	Number of Goals	Number of Employees
Overall	Group				
7	1	Midlands Technical College	78.5	18	483
19	2	Trident Technical College	72.2	24	378
20	3	Tri-County Technical College	71.9	18	210
22	4	Tech. & Comp. Ed., St. Board	71.6	15	130
25	5	Denmark Technical College	69.4	15	113
30	6	Greenville Technical College	67.6	21	460
34	7	Aiken Technical College	67.1	15	113
40	8	Orangeburg Technical College	64.6	21	156
41	9	Florence Technical College	64.2	15	204
42	10	Sumter Technical College	64	18	154
46	11	Piedmont Technical College	61.9	21	178
51	12	York Technical College	58.9	18	193
53	13	Spartanburg Technical College	57.4	15	176
58	14	Chesterfield-Marlboro Tech.	53.3	15	66
61	15	Horry-Georgetown Tech. Col.	50.2	18	134

TABLE III

Composition of the State Government Workforce

Full and Part-time Positions

July, 1990

Grades	White Males		Black Males		White Females		Black Females		Total *
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
10 to 20	2499	12.0	3674	17.7	6700	32.4	7685	37.1	20,668
21 to 30	7157	29.3	3615	14.8	9063	37.1	4360	17.8	24,371
31 to 40	5204	45.1	689	5.9	4510	39.1	998	8.6	11,517
41 to 50	1177	70.4	74	4.4	377	22.5	33	1.9	1,670
51 to 59	141	60.7	7	3	28	12	5	2.1	232
Unclassified	4935	59.9	375	4.5	2276	27.6	380	4.6	8,227
Totals	21,113	31.6	8,434	12.6	22,954	34.4	13,461	20.1	66,685

** State of South Carolina - 1989 Civilian Labor Force Annual Averages

White Males 41.5

Black Males 13.7

White Females 31.4

Black Females 13.3.

* Other ethnic groups are not counted in white or black categories, but are included in totals
Therefore, totals may be more than the sum of white plus black

** These percentages reflect persons employed, who continue to seek employment by race and sex

TABLE IV

Number and Percent by Job Grade, Race and Sex
Between Fiscal Year 1989 and 1990

Full and Part-time Positions

	White Males		Black Males		White Females		Black Females		Total*
Grades	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
10 to 20									
1989	2514	11.8	3664	17.2	7208	34.0	7681	36.2	21,183
1990	2499	12.0	3674	17.7	6700	32.4	7685	37.1	20,668
Change	- 15	+ .2	+ 10	+ .5	- 508	- 1.6	+ 4	+ .9	- 515
21 to 30									
1989	7152	30.7	3455	14.8	8505	36.6	3946	16.9	23,225
1990	7157	29.3	3615	14.8	9063	37.1	4360	17.8	24,371
Change	+ 5	- 1.4	+ 160	0	+ 558	+ .5	+ 414	+ .9	+ 1,146
31 to 40									
1989	5063	46.9	634	5.8	4100	38.0	880	8.1	10,776
1990	5204	45.1	689	5.9	4510	39.1	998	8.6	11,517
Change	+ 141	- 1.8	+ 55	+ .1	+ 410	+1.1	+ 118	+ .5	+ 741
41 to 50									
1989	1109	71.8	57	3.6	336	21.7	29	1.8	1,544
1990	1177	70.4	74	4.4	377	22.5	33	1.9	1,670
Change	+ 68	- 1.4	+ 17	+ .8	+ 41	+ .8	+ 4	+ .1	+ 126
51 to 59									
1989	144	61.2	9	3.8	27	11.4	5	2.1	235
1990	141	60.7	7	3.0	28	12.0	5	2.1	232
Change	- 3	- .5	- 2	- .8	+ 1	+ .6	0	0	- 3
Unclassified									
1989	4775	60.6	371	4.7	2125	26.9	365	4.6	7,872
1990	4935	59.9	375	4.5	2276	27.6	380	4.6	8,227
Change	+ 160	- .7	+ 4	- .2	+ 151	+ .7	+ 15	0	+ 335
Total (Classified and Unclassified)									
1989	20,757	32.0	8,190	12.6	22,301	34.4	12,906	19.9	64,835
1990	21,113	31.6	8,434	12.6	22,954	34.4	13,461	20.1	66,685
Change	+ 356	- .4	+ 244	0	+ 635	0	+ 555	+ .2	+ 1,850

*Other ethnic groups are not counted in white or black categories, but are included in totals. Therefore, totals may more than the sum of white plus black.

TABLE V

Composition of the State Government Workforce
By EEO Categories, Race and Sex
Classified and Unclassified, Full Time Positions Only

July 1, 1990

Category*	White Males		Black Males		White Females		Black Females		All Other		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
E-1 Executives	1,444	58.8	170	6.9	661	26.9	122	5.0	58	2.4	2,455
E-2 Professionals	6,152	33.1	1,244	6.7	8,151	43.9	2,838	15.3	169	1.0	18,554
E-3 Technicians	1,924	42.8	275	6.1	1,582	35.2	664	14.8	47	1.0	4,492
E-4 Protective Services	2,561	42.8	2,044	34.2	521	8.7	806	13.5	50	.8	5,982
E-5 Paraprofessionals	483	6.6	841	11.5	2,262	31.0	3,692	50.5	29	.4	7,307
E-6 Secretary/Clerical	261	2.6	167	1.7	6,613	65.8	2,942	29.3	61	.6	10,044
E-7 Skilled Craft	2,087	67.8	844	27.4	93	3.0	41	1.3	13	.4	3,078
E-8 Service Maintenance	1,485	24.1	2,461	40.0	395	6.4	1,778	28.9	36	.6	6,155

*These categories are used by all State agencies, colleges and universities.

TABLE V

Composition of the State Government Workforce
by EEO Categories, Race and Sex
Classified and Unclassified, Full Time Positions Only

July 1, 1990

Category	White Males		Black Males		White Females		Black Females		All Other		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
C-1 Executives/Non Academic	94	72.9	14	10.8	18	14.0	2	1.5	1	.8	129
C-2 Executive/Academic	362	77.2	29	6.2	61	13.0	13	2.8	4	.8	469
C-3 Professors	1,104	85.5	21	1.6	113	8.8	7	.5	46	3.6	1,291
C-4 Associate Professors	911	71.1	45	3.5	260	20.3	28	2.2	37	2.9	1,281
C-5 Assistant Professors	586	50.6	53	4.6	393	33.9	51	4.4	76	6.5	1,159
C-6 Instructors	132	31.9	22	5.3	217	52.4	34	8.2	9	2.2	414
C-7 Lecturers	61	50.8	6	5.0	43	35.8	7	5.8	3	2.5	120
C-8 Other Academic	206	43.1	17	3.6	187	39.1	38	7.9	30	6.3	478
C-9 Other Non-Academic	221	54.0	46	11.2	87	21.3	51	12.5	4	1.0	409

* These categories are used only by four-year colleges and universities

TABLE V

Composition of State Government Workforce
By EEO Categories, Race and Sex
Classified and Unclassified, Full Time Positions Only

July 1, 1990

Category*	White Males		Black Males		White Females		Black Females		All Other		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
T-1 Executives/Non-Academic	44	72.1	3	4.9	12	19.7	1	1.6	1	1.6	61
T-2 Executives/Academic	2	40	2	40	1	20					5
T-3 Faculty-Admin./Teaching	204	55	13	3.5	142	38.3	7	1.9	5	1.3	371
T-4 Faculty/Teaching	398	42.9	43	4.6	407	43.9	63	6.8	17	1.8	928
T-5 Faculty/Non-Teaching	7	22.6	2	6.4	14	45.2	5	16.1	3	9.7	31
Total Workforce	20,729	31.8	8,362	12.8	22,233	34.1	13,190	20.2	699	1.1	65,213

*These categories are used only by two-year technical colleges.

Staff Development and Training

The Staff Development and Training Division assesses training needs and resources, develops training programs, and coordinates the delivery of employment-related training programs. Training is provided for state agencies, local governments, businesses and professional associations.

Seminars are designed to respond to the needs of the employer, agency or organization requesting the training. Agendas include such topics as employment laws, affirmative action, interviewing "do's and don'ts," sexual harassment and investigation techniques. This year, due to numerous requests, the South Carolina Human Affairs Commission designed a seminar to respond to complaints of racial harassment and cross-cultural conflicts. The one day seminar, "*Communications*," utilizes case studies, group interactions and video tapes, and is offered to both the public and private sectors. The length of training sessions vary from one (1) hour to two (2) full days.

The training that the Commission provides helps prevent employment discrimination and dispels myths that abound in the areas of affirmative action and equal employment by fostering a better understanding among employees and supervisors.

During fiscal year 1989-90, the division conducted 100 training sessions and five (5) staff development programs. Supervisors and managers participated for over 500 contact hours.

Due to the small staff, the Commission was unable to respond to all requests for training during the fiscal year.

Training Seminars receive high praises

"The seminar was received very favorably...the discussion on age and sex discrimination and affirmative action were most useful."

Nancy M. Daver, U.S. Department of Commerce

"Your staff did an excellent job. Their program was far superior to a program I attended sponsored by the American Management Association. We are very fortunate. The Human Affairs Commission is truly a valuable resource to our community and state."

Stephen A. Francis, Farm Credit Banks of Columbia

"...quality training from a source that understands the problems of government. These sessions were professionally presented and provided current information in a context everyone could understand."

John Dullea, City of Greenville, S.C.

"...best I have heard or seen in fifteen years of state and federal service."

George Vogt, S.C. Department of Archives and History

"...changed (my staff's) attitude toward affirmative action."

John E. Heyward, Ed.D., Francis Marion College

"All the comments have been very positive. We couldn't have asked for anyone better than you all. With such friendly, informed staff, I can understand why the Human Affairs Commission enjoys such a healthy reputation!"

Sandy Hickman, Sumter County Mental Retardation Board

The above comments are but a few of the many accolades the Staff Development and Training Division has received for its seminars on employment discrimination. In fact, the division enjoys a nationwide reputation as a leader in this field. Seminars have been conducted across the United States and Canada.

Staff Development and Training Seminars
July 1, 1989 to June 30, 1990

Date	Agency/Organization	Number of Participants
July 1989:		
7-6-89	State Budget and Control Board	30
7-11-89	S.C. Department of Mental Health - Morris Village	28
7-13-89	S.C. Department of Mental Health - Administration	40
7-17-89	International Assoc. of Official Human Rights Agencies	100
7-25-89	Harris Hospital, Anderson, S.C.	35
7-27-89	State Budget and Control Board	32
August 1989:		
8-1-89	State Budget and Control Board	34
8-8-89	S.C. Department of Mental Retardation - Florence	16
8-10-89	State Budget and Control Board	37
8-11-89	Charleston, S.C. County Police	30
8-15-89	S.C. State Development Board	12
8/17-18/89	S.C. Human Affairs Commission Board & Staff Training	40
8-22-89	S.C. Chamber of Commerce	35
8-23-89	U.S. Postmasters	80
8/24-26/89	U.S. Marine Fisheries, Mississippi	28
8-30-89	U.S. Marine Fisheries, Charleston, S.C.	25
8-31-89	S.C. Wildlife & Marine Resources Department	40
September 1989:		
9-7-89	EEO Seminar	150
9-8-89	EEO Seminar	125
9-18-89	U.S. Department of Agriculture	75
9-19-89	S.C. Dept. of Health & Environmental Control	35
9-21-89	S.C. State Library	33
9-22-89	Charleston, S.C. County Police	25
9-26-89	S.C. Dept. of Health & Environmental Control	27
9-28-89	Greenville/Spartanburg Mental Health	30
October 1989:		
10-3-89	S.C. Dept. of Highways & Pubic Transportation	35
10-5-89	S.C. State Human Resource Management	25
10-10-89	University of South Carolina	30
10-12-89	University of South Carolina	35
10-16 -17/89	Clemson University	200
10-19-23-89	National Assoc. of Human Rights Workers	300
10-31-89	S.C. Dept. Of Highways and Public Transportation	35
November 1989:		
11-2-89	S.C. State Human Resource Management	30
11-7-89	Clemson University	47
11-9-89	S.C. State College	33
11-15-89	University of South Carolina	15
11-16-89	S.C. Dept. of Highways and Public Transportation	38
11-21-89	S.C. Dept. of Highways and Public Transportation	36
11-28-89	S.C. Tax Commission	32

December 1989:

12-1-89	American Association of Affirmative Action Conference	25
12-5-89	S.C. Commission for the Blind	25
12-7-89	S.C. State Library	28
12-8-89	Beckman Mental Health Center - Greenwood, S.C.	35
12-12-89	Catawba Mental Health Center - Rock Hill, S.C.	30
12-14-89	Lexington Mental Health Center - Lexington, S.C.	27

January 1990:

1-9-90	S.C. State Development Board	10
1-12-90	Spartanburg Mental Health Center	30
1-16-90	State Budget and Control Board	35
1-17-90	Georgetown School District	25
1-18-90	S.C. Tax Commission	35
1-24-90	Logan School, Columbia, S.C.	40
1-26-90	Rotary Club	75
1-31-90	State Board for Tech. & Comp. Education - Board	-

February 1990:

2-5-90	Lancaster City Hall	15
2-6-90	Goodman Correctional Institution	100
2-8-90	Greenville County	45
2-9-90	Education Television Report on Affirmative Action	-
2-13-90	Stevenson Correctional Institution	125
2-21-90	Greenville Technical College	33
2-21-90	Newberry High School	-
2-22-90	Dent Middle School	-
2-22-90	Horrell Hill Elementary	-
2-22-90	Women's Prison	-
2-23-90	Dreher High School	-

March 1990:

3-2-90	S.C. Human Affairs Commission - Staff Training	28
3-12-90	Kiwanis Club - Orangeburg, S.C.	60
3-15-90	S.C. State Development Board	6
3-26-90	Lancaster H.R.C.	15
3-28-90	S.C. Bankers	-
3-30-90	American Association for Affirmative Action	50

April 1990:

4-3-90	S.C. Adjutant General's Office	60
4-11-90	S.C. State Human Resource Management	28
4-12-90	University of South Carolina	30
4-17-90	AAP Seminar	19
4-18-90	Aiken School District	25
4-19-90	The Citadel	30
4-23-90	Charles Lea Center	12
4-24-90	Charles Lea Center	30
4-24-90	AAP Seminar	20
4-26-90	U.S. Internal Revenue Service	40
4-27-90	S.C. Human Affairs Commission - Staff Training	18

May 1990:

5-1-90	Charleston, S.C. County Police	4
5-10-90	Greenville County	75
5-16-90	S.C. State College	50
5-16-90	Sumter Chamber of Commerce	30
5-18-90	Five Points School	40
5-21-90	S.C. Alcohol and Drug Abuse Commission	85
5-21-90	Lancaster H.R.C.	12
5-23-90	Columbia Mall Security	16
5-24-90	S.C. Land Resources Commission	27

June 1990:

6-4-90	S.C. Human Affairs Commission - Staff Training	25
6-7-90	State Law Enforcement Division (SLED)	25
6-8-90	State Law Enforcement Division (SLED)	25
6-19-90	Columbia Mall	17
6-20-90	Town of Pageland	14
6-21-90	WOIC Radio Talk Show	-
6-27-90	Charleston County School District 2	100
6-28-90	Charleston County School District 2	120

Total Trained 3907

**Total Number of
Training Sessions
Conducted:**

100

Community Relations

Background

The Community Relations Division was created to encourage local resolutions of local problems and to foster better community relations throughout the State. This section uses conference, conciliation and persuasion to bring together cross-sections of people to resolve disputes involving discrimination in police relations, public accommodations, housing, education, business practices and other non-employment issues.

Activities

Community Relations is responsible for nine program areas: 1) establishing and consulting with local Community Relations Councils; 2) processing of non-employment complaints; 3) coordination of activities with the U.S. Department of Education, Office for Civil Rights; 4) Federal Highway Administration Survey; 5) South Carolina Project Notification and Review System; 6) South Carolina Emergency Preparedness program; 7) technical assistance and referrals; 8) enforcement of the South Carolina Public Accommodations Act.

Community Relations Councils

Since its inception, the S.C. Human Affairs Commission has tried to link state government to community groups by assisting in the establishment of local councils. The Division of Community Relations will send members of its staff to any community relations council meeting upon request. If a community has an existing council or committee, the Division offers its support and resources. The Division staff can advise a council on identifying problems, setting priorities in program planning and development, and planning a funding process for community projects.

Should a council encounter a problem or task about which further information is needed or which needs to be referred to a state or federal agency, the Division of Community Relations has an extensive resource library which can help in determining who should be contacted. Formal recognition of local community relations councils is a matter of policy of the Human Affairs Commission. Those councils meeting the Commission's requirements are afforded an opportunity to resolve, at a local level, many complaints which are brought to the Commission. The process minimizes state intervention in local affairs.

The requirements for establishing a community relations council to be recognized by the Human Affairs Commission are as follows:

- (1) Each council must be composed of (5) or more citizens organized for the purpose of promoting harmony, bettering human affairs, and encouraging fair treatment for, and fostering mutual understanding and respect among, all local citizens.
- (2) Each council should have the written endorsement and support of the mayor, city or county council.
- (3) Any local council which is unable to obtain the endorsement of its local government must have a membership of fifteen (15) or more local citizens.
- (4) Each council's membership should be representative of the community at-large with a fair representation of all racial and ethnic groups, and a fair representation by sex.
- (5) Each council wishing to be recognized by the State Human Affairs Commission shall send to the Commission's Division of Community Relations a copy of the council's by-laws or other documents creating the council, wherein the purpose of the council is clearly set forth; a copy of the written endorsement of the mayor, city or county council; a list of the council's executive officers, and a statement setting forth the racial and sexual composition of the council's membership.

During the year, the Community Relations staff contacted 237 community organizations statewide and met with groups in Columbia, Rock Hill, Lancaster, Allendale, Charleston, Spartanburg, Myrtle Beach, Barnwell, Cayce-West Columbia, Clinton, and Aiken. There are currently 24 recognized Community Relations Councils in the state.

Summary of Non-Employment Discrimination Complaints

The Division of Community Relations reviews and investigates non-employment discrimination complaints under Section 1-13-90(e) and 1-13-70(n) of the South Carolina Code of Laws, as amended. The Commission is empowered "...to investigate problems in human affairs in the State and in connection therewith, to hold hearings, to request the attendance of persons who shall give testimony, to receive for the record of any such hearing written statements, documents, exhibits and other items pertinent to the subject matter of any such hearing, and following any such investigation or hearing to issue such report and recommendations as in its opinion will assist in effectuating the purposes of (the Human Affairs Law)."

At the beginning of the 1989-90 fiscal year the Division had 19 active complaints carried over from the previous year. During the fiscal year the Division received an additional 51 complaints for a total of 70 complaints. Forty-eight of the 70 complaints were completed during the year. Chart A shows a breakdown of complaint activity between July 1989 and June 1990. (See Chart A).

The following are four examples of cases processed during the fiscal year:

CASE 1

Business Practices

The Commission received a complaint from a black female alleging that she had been discriminated against because of her race. The Complainant alleged that the Respondent would not allow her to exchange some purchased items of clothing while the Respondent would allow the exchange of purchased merchandise for a white lady.

The Commission served the complaint on the Respondent and investigated the allegation. The Commission learned, through its investigation, that the Respondent has a posted policy which clearly states that "lay-a-way" items are kept for 30 days only and that there are no exchanges on lay-a-way items. The investigation learned that the merchandise Complainant wanted to exchange had been on lay-a-way for 51 days.

In regards to Complainant's allegation that the Respondent would allow a white lady to exchange some merchandise, investigation revealed that the Complainant overheard the Respondent informing a white lady that they do allow the exchange of merchandise purchased as a gift.

The Commission was able to secure the Respondent's permission to allow the Complainant to exchange a certain article of clothing for a different size. The complaint was then dismissed for the investigation found no evidence to support the allegations and the file was closed.

CASE 2

Education

The Commission received a complaint of race discrimination alleging the Respondent suspended a black male from school and that white students received more favorable treatment. The complaint alleged that the black student was suspended for taking his lunch break early and that white students were able to come and go as they pleased without any adverse action.

The Commission investigated the matter. The investigation revealed that the Complainant left to go to lunch at a time he had a scheduled appointment and that this incident was not the first such occurrence. It was discovered that the Complainant had been counseled and warned on several occasions prior to this incident.

The investigation revealed that the Respondent, over a twelve month period, had suspended five (5) white students and two (2) black students for various violations of school policy, in a school where the black/white student body enrollment was fifty-fifty.

During the course of the investigation it was learned that the Complainant had filed the identical complaint with the United States Department of Education. The Department shared its findings, with the Commission, under our Memorandum of Understanding, and it was determined that there was no evidence to support the Complainant's allegations.

Based on the findings of the Commission and the Department of Education the matter was closed.

CASE 3

Health Services

The Commission received a complaint, on March 14, 1990, from a black female alleging that a white employee of the Respondent had used racially derogatory remarks toward her grandson while he was receiving medical treatment. The Complainant alleged that the employee referred to her grandson as a "monkey." The Commission conducted an inquiry into the matter and learned that the employee who made the remark speaks several languages of which English is her third language. It was learned that the employee was unaware that the term "monkey" could be interpreted as a racial remark and that the employee often refers to children, including her own, as monkeys.

The Commission discussed its findings with the Complainant and passed on the Respondent's apology for the incident. The Complainant accepted the Respondent's apology and informed the Commission that her grandson is presently receiving medical treatment elsewhere and that he is doing fine.

The Commission withdrew from the matter and closed the complaint file.

CASE 4

Migrant Workers

In September 1989, the Commission received complaints from five (5) Migrant Workers against a Sheriff's Department. The Complainants alleged that the Respondent violated their civil rights when they and their possessions were searched during a "raid" on their camp which resulted in four of the five being arrested.

The Commission investigated the complaints and learned that the Respondent was requested, by the employer, to investigate the migrant camp for the illegal sale and use of drugs. The Commission's investigation revealed that the Respondent was able to make illegal purchases, on several occasions, at the migrant camp and that based upon their investigation the Respondent obtained search warrants. On September 10, 1989, the Respondent "raided" the migrant camp and discovered the illegal possession and sale of alcoholic beverages. The Commission learned that four of the five Complainants were arrested for unlawful sale and possession of alcoholic beverages and that one of the four arrested was also charged for the possession of marijuana.

The Commission's investigation revealed that the Respondent's "raid" was conducted according to procedure and that the deputies possessed the necessary legal warrants to conduct the "raid." It was further revealed that four of the five Complainants forfeited bond when they did not appear for their court date and that charges were dropped against the other Complainant.

The Commission closed the subject complaints after concluding that the civil rights violations, as alleged, were moot based upon the Complainants technically pleading guilty to the charges when they forfeited their bond by not appearing in court and leaving the state. The Commission did, however, recommend, to the Complainants, that they could address any of their allegations to the United States Justice Department to seek relief in the Federal Court system.

**Department of Education, Office for Civil Rights:
Memorandum of Understanding**

On July 30, 1984, the South Carolina Human Affairs Commission signed a Memorandum of Understanding (MOU) with the United States Department of Education, Office for Civil Rights (OCR). Under the provisions of this memorandum, the Commission and OCR must notify each other of the existence of all complaints of discrimination against recipients of financial assistance from the Department of Education or from any other agency of the Federal Government which has delegated its initial civil rights responsibilities to the Department of Education.

During the year, the Division of Community Relations notified OCR of six (6) complaints involving an educational institution and OCR notified the Commission of 41 complaints.

Federal Highway Administration Survey

Title 23, United States Code, Section 219 stipulates that minority communities receive adequate consideration in the selection and administration of "off-system" road projects. Areas to be served with "off-system" funds must be rural in character. Cities and towns with populations less than 5,000 also may qualify for funds under the program.

The Division assists in the collection of data from minority communities in South Carolina, when requested to do so. The information, which is collected from various sources including the South Carolina Department of Research and Statistics, the South Carolina Budget and Control Board, the Municipal Association of South Carolina, the South Carolina Association of Counties, and the Governor's Office is then provided to the United States Department of Transportation, Federal Highway Administration.

Project Notification and Review System

On July 14, 1982, President Reagan signed Executive Order 12372, "Intergovernmental Review of Federal Programs." This Executive Order, which took effect October 1, 1983, rescinded Office of Management and Budget Circular A-95. Under Executive Order 12372, the Governor's office is responsible for coordinating the review of Federal project notifications. The State Human Affairs Commission is one of twelve central service agencies providing technical assistance to the Governor's office for that purpose. The Commission's primary responsibility is to ensure that Federal funds are not used in a discriminatory manner.

The Division reviewed 760 project notifications during the 1989-90 fiscal year (See Chart B).

Emergency Preparedness

The Governor's Office of Executive Policy and Programs - Division of Public Safety has designated the Human Affairs Commission as one of the State agencies to participate in emergency management activities in the event of a natural or man-made disaster. The Division of Community Relations provides representatives to the Public Information Section of the Emergency Preparedness Division to release information to the news media and the public during emergency situations. Duties are performed according to the South Carolina Emergency Preparedness Plan. During emergency situations such as hurricanes, tornadoes, floods, or nuclear accidents, it becomes the responsibility of the Public Information Section to gather information from the site of the disaster and make it available to the news media and the public through the State Emergency Broadcast System (EBS). Division staff participated in one exercise during the fiscal year, conducted at the Savannah River Site. The Division staff provided manpower to the Public Information Section during Hurricane Hugo and participated in a workshop addressing the aftermath of Hurricane Hugo.

Technical Assistance and Referrals

Each day Division staff members answer questions from the public and, when necessary, refer persons to appropriate agencies. The Division has developed an extensive list of state-wide referral agencies for this purpose. In-service training for Community Relations Consultants has included

such topics as tenants' rights, prisoners' rights, court procedure, and federal civil rights legislation. The training has prepared the Community Relations Division to deal effectively with questions posed by persons who call on the telephone, write letters or visit the office. During the year, 1424 inquiries were made by the public and 121 referrals were made to other agencies. The remaining inquiries were handled in-house.

Special Community Project

"Say Yes to Youth, Incorporated"

On January 24, 1990, the Human Affairs Commissioner initiated a community forum inviting high school students, professionals, and civic leaders to discuss youth crime and violence, drug abuse, and teenage pregnancy.

As a result of the forum, over 100 community volunteers convened to serve on a task force to address these issues and to find some meaningful approaches and lasting solutions. The Steering Committee of the Community Forum was formed and, in conjunction with the three (3) task forces, identified four common goals. The goals are:

1. Reduction of idle time.
2. Prevention through education.
3. Improve parent/child relationships.
4. Develop a peer intervention program for youths and adults.

On May 29, 1990, the three (3) task forces were incorporated by the State of South Carolina. The purpose of the said proposed Corporation is to promote through cultural and educational services, positive reinforcement among youth and young adults regarding current problems of drug abuse, youth crimes and violence, and teenage pregnancy.

CHART A

Complaints Filed Under Section 1-13-90(e) (Non-Employment Complaints)

July 1, 1989 - June 30, 1990

Category	Police	Justice	Prisons	Health & Social	Public Service	Education	Housing	Public Acc.	Banking & Credit	Business Practice	Other	Totals
Complaints Brought Forward	0	3	1	0	3	0	5	3	1	3	0	19
Complaints Filed	8	3	4	1	4	6	8	2	0	11	4	51
Complaints Resolved	-	-	-	-	-	-	3	1	-	-	-	4
Complaints Referred	-	-	3	0	1	1	3	0	0	2	0	10
Unable to Resolve	-	-	-	-	-	-	1	2	0	3	2	8
Dismissed	6	1	1	1	3	2	2	0	1	5	1	23
Withdrawn by Complainant	-	-	-	-	-	-	2	-	-	1	-	3
Pending	2	5	1	0	3	3	2	2	0	3	1	22

CHART B
Project Notification and Review Activity
July, 1989 - June, 1990

Category	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Secondary Education	13	5	4	4	4	2	1	3	1	6	17	1	61
Higher Education	0	0	1	6	1	3	3	9	0	2	2	0	27
Vocational Education	0	0	1	0	4	1	0	1	0	1	1	1	10
Day Care/Pre-School	1	4	1	0	1	4	2	2	0	0	9	0	24
Law Enforcement	0	0	1	0	0	0	0	0	0	0	1	0	2
Housing	8	33	21	6	26	15	10	25	26	7	25	4	206
Employment	2	0	1	0	0	1	0	0	0	0	2	0	6
Recreation	2	0	0	1	1	0	1	1	0	0	0	1	7
Elderly/Retired	1	0	2	3	3	1	0	1	0	0	11	16	38
Water and Sewer	6	6	8	4	10	6	4	9	8	5	11	3	80
Transportation	1	6	3	6	8	6	6	5	15	5	34	11	106
Health Services	2	7	3	3	3	5	0	6	4	9	5	0	47
Other	12	17	12	3	8	16	4	18	9	11	26	10	146
TOTALS	48	78	58	36	69	60	31	80	63	46	144	47	760

COMPLIANCE PROGRAMS

- Investigative and enforcement arm of the Commission
- Receives, investigates and resolves complaints of unlawful discriminatory employment practices
- Has authority to investigate any South Carolina employer with fifteen or more employees
- The Compliance Programs Unit includes Public Sector Investigations, Private Sector Investigations and Age and Disability Investigations

Background

The Compliance Programs Unit serves as the investigative and enforcement arm of the Commission with the goal of preventing and eliminating employment discrimination that is unlawful under the South Carolina Human Affairs Law.

The primary responsibilities of the Compliance Programs Unit are to receive, investigate and resolve complaints alleging unlawfully discriminatory employment practices filed against employers in South Carolina on the basis of race, color, sex, age, religion, national origin or handicapping conditions. The Unit's jurisdiction covers all employers in South Carolina who employ fifteen (15) or more employees for at least twenty (20) consecutive weeks in the current or preceeding calendar year.

Three divisions compose the Compliance Programs Unit. They are:

- *Public Sector Investigations*, which processes employment discrimination complaints filed against South Carolina state government agencies and their local subdivisions, city and county government agencies and regional government agencies.
- *Private Sector Investigations*, which processes employment discrimination complaints filed against private sector employers in South Carolina.
- *Age and Disability Investigations*, which processes employment discrimination complaints in both the public and private sector filed on the basis of age or handicap discrimination.

The Complaint Process

When the Compliance Programs Unit receives a complaint, it will begin the investigatory process when the following information is confirmed: (1) the requisite number of employees is verified; (2) a cause of action is cited; and (3) the complaint is filed within 180 days of the alleged violation, unless it is of a continuing nature. The Unit's three investigative divisions attempt to resolve all complaints

when they are initially filed by the "*negotiated settlement*" or "*no fault settlement*" process. Amicable, expeditious settlements benefit both parties, and is the goal of each investigation. Complainants obtain relief and respondents face reduced expenses and minimal liability.

Should the early settlement process fail, the Human Affairs Commission must then initiate a full investigation and render a final decision. If it is determined that no reasonable cause exists to support the allegations, the complaint is dismissed and a "*notice of right to sue*" is issued. This enables the complainant to take an allegation to circuit court within one hundred twenty (120) days after the issuance of "*notice of right to sue*."

If the investigation establishes that reasonable cause exists to support the complainant's allegations, the staff attempts to conciliate the matter. When an investigation shows unlawful discrimination did occur, the Human Affairs Commission's role is to "make the person whole," or restore the person to the position he or she would have held had the discriminatory act not occurred.

In the *Public Sector Investigations Division*, if a complaint against a state agency cannot be conciliated, a "*notice of right to sue*" may be issued or the results of the investigation may be presented to the Human Affairs Commission for a formal public hearing. In this instance, a panel of three (3) members from the Commission's *Governing Board* is appointed. If the hearing panel determines "*reasonable cause*" exists to support any discrimination allegation, an "order" will be issued ensuring appropriate relief. Such an "order" is enforceable.

In the *Private Sector Investigations Division* and the *Age and Disability Investigations Division*, if conciliation efforts fail during an investigation, the Commission can issue a "*notice of right to sue*" to the complainant or initiate litigation itself. The Commission does not have the authority to compel a private sector employer to appear before a public hearing. However, the Commission does have the power of subpoena over all employers in South Carolina should they fail to provide required or requested information during the course of an investigation.

In all complaints where the Commission finds that "*no reasonable cause*" exists to support an allegation of discrimination, the Commission issues a "*notice of right to sue*" which gives the complainant the option of having their complaint heard judicially after they have exhausted their administrative remedies before the Commission.

Deferral Responsibility to the Federal Government

Record Complaint Activity Continues During 1989-90 Fiscal Year.

On March 2, 1979, the South Carolina Human Affairs Law was amended to cover the private sector. Effective August 10, 1979, the United States Equal Employment Opportunity Commission (EEOC) officially designated the Commission as a deferral agency for all employment discrimination complaints. The impact of full deferral status has resulted in a continued increase in the number of employment discrimination complaints received and processed by the Commission over the past ten years. Fiscal Year 89-90 marked the eighth straight year the S.C. Human Affairs Commission has processed more than one thousand complaints for the year (a total of 1,807 complaints were processed, establishing an all time high for the Commission), an overall increase of seven percent (7%) over the 1988-89 fiscal year, during which the previous record was set.

"Deferral" means that complaints filed directly with U.S. Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964, as amended, must be forwarded to the Human Affairs Commission for processing under State law for the first sixty (60) days after the filing date.

In determining what it will do with the results of a particular deferred complaint, the U.S. Equal Employment Opportunity Commission must give substantial weight to the final action taken by the Human Affairs Commission. Deferred complaints from EEOC are processed in the same manner and

according to the same standards as if they had been filed directly with the Human Affairs Commission under State law.

Certified Federal Contractor

S.C. Human Affairs Commission Recognized for Exemplary Performance

The 1989-90 fiscal year marks the S.C. Human Affairs Commission's sixth year with certification status. This status means that the Human Affairs Commission's final actions are not subject to a case by case review by the United States EEOC. This prestigious status is only granted to deferral agencies which have demonstrated exceptional performance for a minimum of four years under deferral status. During the 1989-90 fiscal year, the Human Affairs Commission was recognized by the United States EEOC for its exemplary performance as a certified agency, and once again attained a 100 percent acceptance rate on all final actions submitted to the United States EEOC for approval.

Discrimination Against the Handicapped

An Overview on Complaint Activity For The 1989-90 Fiscal Year

The "Bill of Rights for Handicapped Persons" was signed into law on June 13, 1983. The 1989-90 fiscal year marks the seventh year the S. C. Human Affairs Commission has formally processed complaints of employment discrimination against the handicapped. In so doing, South Carolina has followed 45 states and the District of Columbia in providing some statutory protection for the handicapped. Discrimination against those with substantial and permanent physical or mental impairments (not including mental illness) with respect to employment, public accommodations, public services and housing is prohibited. No existing legal protections are reduced by the bill, but there are a number of limitations. During this fiscal year, the Human Affairs Commission processed a total of thirty-one (31) employment-related handicap complaints.

Covered handicaps must be verified by medical findings. Discrimination based on a determination of "reasonable justification" is not unlawful. Apparently, an affirmative defense which must be pleaded and proved by the decision maker, the determination of "reasonable justification" is to be based on factors of safety, efficiency and cost, among others. An employer's determination concerns whether the mental or physical limitation interferes with the performance of the work involved. This mirrors an exception in the definition of "handicap" which, with respect to employment, means an impairment which is "unrelated to the individual's ability to engage in a particular job or occupation." The definition also excludes for all purposes "any individual who is an alcohol, drug, narcotic or other substance abuser, or who is only regarded as being handicapped."

Section 4 of the Bill authorizes resort to the Court of Common Pleas, injunctive relief or civil damages, not to exceed \$5,000 actual (financial losses) damages, plus attorney's fees and costs for any violation of this law. However, Section 5 provides that complaints of prohibited employment discrimination against the handicapped shall be subject to jurisdictional, procedural and other provisions of the South Carolina Human Affairs Law (H.A.L.), Section 1-13-10 et seq. of the 1976 Code of Laws of South Carolina, as amended. This includes the remedies of the H.A.L. (Section 1-13-90(d)(9) of the Code, as amended), which are not limited to \$5,000 and do not authorize attorney's fees and costs. Although these remedial provisions appear to be contradictory, generally the latter and more specific or detailed legislative pronouncement (the reference to the H.A.L.) is controlling.

Procedurally, the Courts of Common Pleas has the authority to dismiss a handicap employment discrimination suit unless (1) a complaint has been filed with the South Carolina Human Affairs Commission within 180 days after the alleged discrimination occurred; (2) the Human Affairs Commission has issued a notice of right to sue; and (3) less than one year has passed from the date of the violation alleged (unless extended by the respondent's written consent). However, the court may waive these administrative, procedural prerequisites, (Section 1-13-90(a) and (d) (6) (7) and (8) of the Code, as amended, under certain extraordinary circumstances in the interest of fairness and justice between the parties.

As with any type of discrimination prohibited by the Human Affairs Law (race, religion, color, sex, age or national origin), when the Human Affairs Commission determines that reasonable cause exists to believe that discrimination occurred, it may schedule a public hearing before a panel of three Commissioners on behalf of a state employee, or may bring suit in a circuit court of competent jurisdiction against any other covered employer.

Because the provisions of the S.C. Human Affairs Law apply, only employers of fifteen or more employees (on the payroll) for twenty or more calendar weeks in the current or preceding calendar year are covered. Also, Section 8 of the Handicap Bill exempts contractors or subcontractors who are "subject thereby (federal contracts of \$2,500.00) to federal law governing discrimination in employment" (Rehabilitation Act of 1973, 29 U.S.C. 706 et seq.).

Complaint Activity

Total Final Actions Establishes S.C. Human Affairs Commission Record

During the period July 1, 1989, through June 30, 1990, the Commission's Compliance Programs Division processed to a final conclusion an all-time record total of 855 employment discrimination complaints. This figure represents a six percent (6%) increase in the number of complaints processed this fiscal year when compared to last year's final actions of 742 complaints. In addition, the Commission's Intake and Referral Section received a record number of inquiries (more than 15,000) from various sources. Although most of these inquiries did not result in the filing of formal complaints, they did require considerable staff time and effort.

Analysis of the Compliance Programs activity is given in Tables 1, 2, 3, and 4 and Charts A-1, A-2, B and C. Monetary benefits received by complainants totaled \$416,494.08 during the 1989-90 fiscal year, an overall increase of 34.9% over the previous fiscal year.

Analysis of Increased Complaint Activity

The Commission's overall complaint intake activity increased 8.9%, from 1,205 cases received in 1988-89 to 1,312 cases for the period of July 1, 1989, through June 30, 1990. Increases continue to be shown in case activity filed on the basis of sex and age discrimination, while race discrimination cases continued to dominate the most significant percentage of cases filed.

Race was the basis in 39.7 percent of the cases filed during the period, while sex was cited in 23.9 percent of the cases. Age was cited as the basis of 13.6 percent of the cases filed, and Race & Sex/ Multiple issues cited in 15.4 percent of all cases filed.

During the period, 33 percent of the total charges disposed of or resolved were on behalf of black females, 27 percent on behalf of black males, 24 percent on behalf of white males, 15 percent on behalf of white females, and 1 percent on behalf of others.

Settlements decreased slightly over the previous fiscal year. Twenty-six (26) percent of all settlements went to black males, 37 percent went to black females, 12 percent to white males, 24 percent to white females, and 1 percent to others. The greatest increase in terms of charges settled was on behalf of black females which increased by 7 percent over the previous fiscal year. The highest settlement in terms of dollar amount was awarded to a black male who filed on the basis of race.

COMPLAINTS RECEIVED FISCAL YEAR 1989-90

(July 1, 1989 - June 30, 1990)

TABLE 1
History of Employment Complaint Activity
by Fiscal Year

Category	72/73	73/74	74/75	75/76	76/77	77/78	78/79	79/80	80/81	81/82	82/83	83/84	84/85	85/86	86/87	87/88	88/89	89/90
Complaints Received	30	69	144	168	178	122	131	679	823	819	904	1,027	858	1,168	977	1,158	1,205	1,312
Complaints Brought From Preceding Fiscal Year	0	41	31	25	31	31	22	55	386	164	193	327	450	409	411	467	485	495
Complaints Waived During Fiscal Year	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	382	238	95	254	207	536	219	357	453	316
Total Active Complaints Processed During Fiscal year	60	110	175	193	209	140	153	741	827	745	1,002	1,100	1,101	1,041	1,169	1,268	1,237	1,491
Complaints Processed To Completion During Fiscal Year	19	79	150	162	178	118	98	355	663	552	675	650	692	630	702	783	742	855
Complaints on Hand At End of Fiscal Year	41	31	25	31	31	22	55	386	164	193	327	450	409	411	467	485	495	636

Total Employment Complaints Received 1,312

Total Non-Employment Complaints Received 51

Total Complaints Received 1,363

EMPLOYMENT
DISCRIMINATION COMPLAINTS RECEIVED
FISCAL YEAR 1989-90

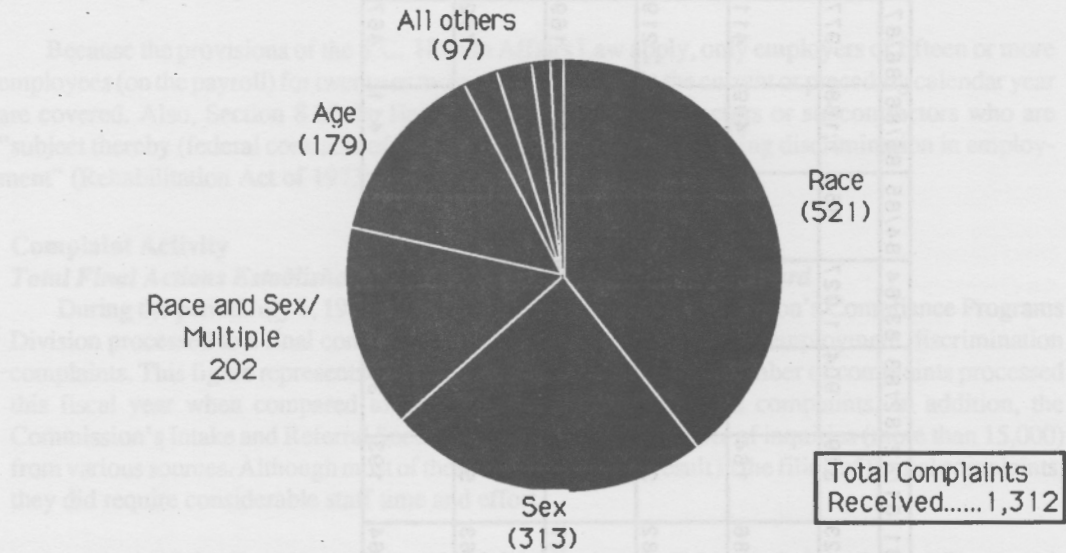
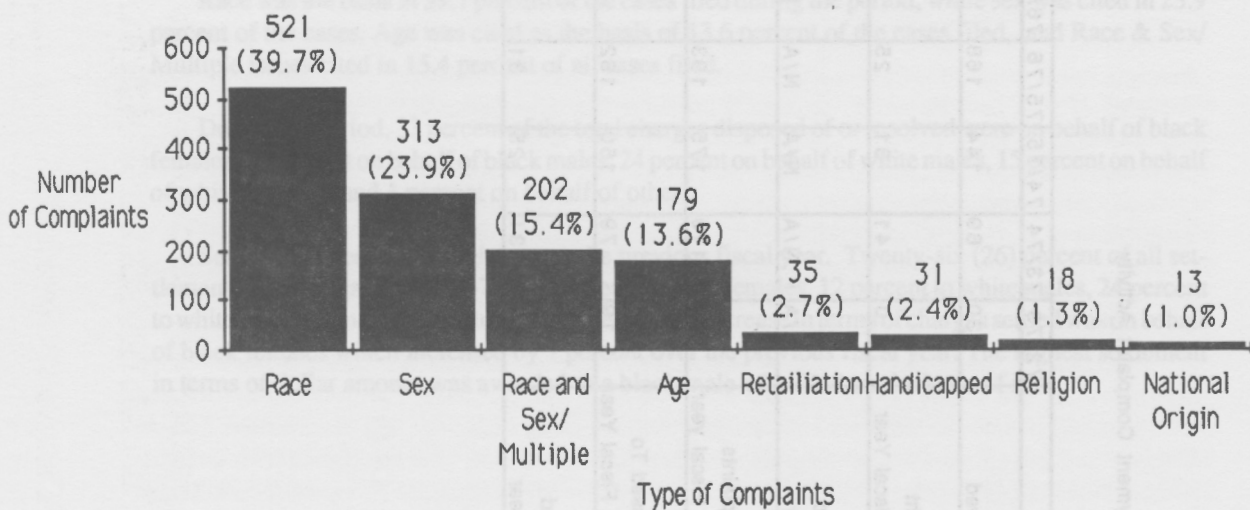


TABLE 2

EMPLOYMENT COMPLAINTS RECEIVED BY BASIS
FISCAL YEAR 1989-90



TOTAL COMPLAINTS RECEIVED FY 1989-90.....1,312

Note: Of the 313 complaints received in the "Sex" category, eighty-three (83) were filed solely on the basis of sexual harassment.

COMPLAINTS RECEIVED FISCAL YEAR 1989-90

(July 1, 1989 - June 30, 1990)

EMPLOYMENT

NON-EMPLOYMENT

Type of Complaint	Number Received	Percentage of Total	Type of Complaint	Number Received	Percentage of Total
Race	521	39.7%	Business Practice	11	21.6%
Sex	313	23.9%	Housing	8	15.7%
Race/Sex Multiple	202	15.4%	Police	8	15.7%
Age	179	13.6%	Education	6	11.8%
Retaliation	35	2.7%	Prison	4	7.8%
Handicapped	31	2.4%	Public Service	4	7.8%
Religion	18	1.3%	Justice	3	5.9%
National Origin	13	1.0%	Public Accommodations	2	3.9%
TOTAL	1,312	100.0%	Health/Social	1	2.0%
			Other	4	7.8%
			TOTAL	51	100.0%

SUMMARY

Total Employment Complaints Received 1,312

Total Non-Employment Complaints Received..... 51

Total Complaints Received.....1,363

EMPLOYMENT COMPLAINTS HANDLED **FISCAL YEAR 89-90**

(July 1, 1989 - June 30, 1990)

1,312 Received + 495 Brought Forward - 316 Waived = 1,491

Final Actions Taken.....	855
No Reasonable Cause.....	497
Administrative Closures.....	185
Settlements/Conciliations.....	172
Unsuccessful Conciliations.....	1
On Hand at Year-End.....	636
Under Investigation.....	636

CASES CLOSED **BY RACE AND SEX** **ON BEHALF OF**

SETTLEMENTS **BY RACE AND SEX** **ON BEHALF OF**

Black Males.....33% (276)	Black Females.....37% (62)
Black Females.....27% (234)	Black Males.....26% (45)
White Females.....24% (207)	White Females.....24% (41)
White Males.....15% (129)	White Males.....12% (21)
Other.....1% (9)	Other.....1% (3)

Table 3

**Status of Employment Complaint Activity
During Fiscal Year 1989-90**

Category	Total
Total Complaints in System (1,312 new complaints received plus 495 carried forward less 316 waived)	1 491
Total Final Actions Taken	855
No Reasonable Cause	497
Administrative Closures*	185
Settlements/Conciliations	172
Hearings	0
Orders Issued	0
Unsuccessful Conciliations	1
In Processing at End of Year	636
Under Investigation	636
Pending Conciliation	0
Pending Hearing	0
Monetary benefits received by complainants during fiscal year 1989-90	\$416,494.08

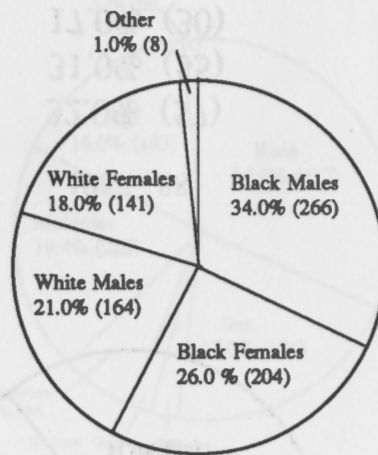
During the fiscal year, Compliance Programs continued to review and revamp its complaint processing procedure. From intake (the Complainant's initial interview) to early resolution, to investigation, to determination and, if necessary, to conciliation, a very coordinated set of mechanisms is in place to ensure even more effective, efficient service.

*Includes withdrawals, jurisdictional dismissals, and unsuccessful conciliations resulting in the issuance of a Notice of Right to Sue request.

TABLE 4
COMPLIANCE PROGRAMS UNIT
COMPLAINT STATUS REPORT
For the period July 1, 1989 to June 30, 1990

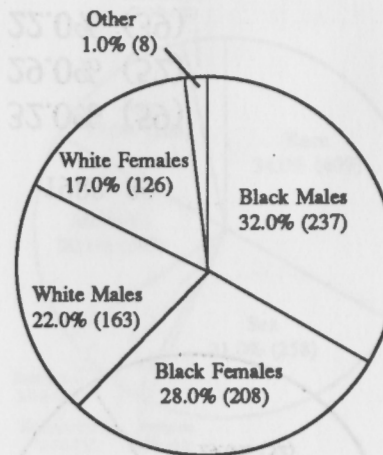
Description	Number	Percent
1. Active Complaints Brought Forward Into FY 1989-90	495	
2. Complaints Received This Reporting Period:	1312	
By Categories:		
Race	521	39.7
Sex	313	23.9
Age	179	13.6
Religion	18	1.3
National Origin	13	1.0
Race & Sex/Multiple	202	15.4
Handicapped	31	2.4
Retaliation	35	2.7
3. Total Complaint Activity (Line 1 + Line 2)	1807	100%
4. Complaints Waived to the Equal Employment Opportunity Commission during Reporting Period:	316	
Race	105	33.2
Sex	70	22.1
Age	49	15.4
Religion	6	2.0
National Origin	1	.3
Race & Sex/Multiple	63	20.0
Handicapped	0	0
Retaliation	22	7.0
5. Total Complaints This Reporting Period	1491	100%
6. Investigations Completed:	855	
By Categories:		
Race	391	45.7
Sex	210	24.6
Age	110	12.9
Religion	16	1.9
National Origin	3	.4
Race & Sex/Multiple	96	11.2
Handicapped	15	1.7
Retaliation	14	1.6
7. Final Actions:	855	100%
Administrative Closures	185	21.8
No Cause	497	58.1
Conciliations/Settlements	172	20.1
Monetary Value of Settlements - \$416,494.08		
Unsuccessful Conciliations	1	
Hearings	0	
Orders Issued	0	
8. Active Cases on Hand at End of Reporting Period:	636	
Status:		
Under Investigation	636	
Pending Conciliation	0	
Pending Hearing	0	

CHART A-1
Comparative Analysis of Cases Disposed of During Fiscal Year
1987-88, 1988-89 and 1989-90 by Race and Sex



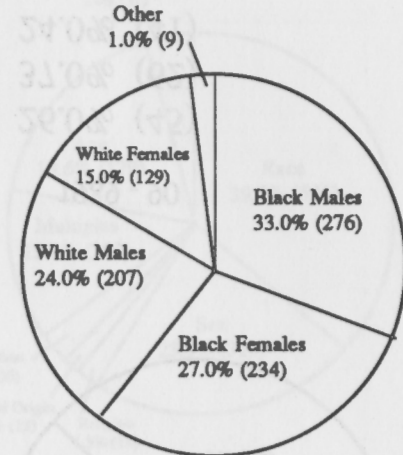
1987-88

Black Males	34.0% (266)
Black Females	26.0% (204)
White Males	21.0% (164)
White Females	18.0% (141)
Other	1.0% (8)
Totals	100.0% (783)



1988-89

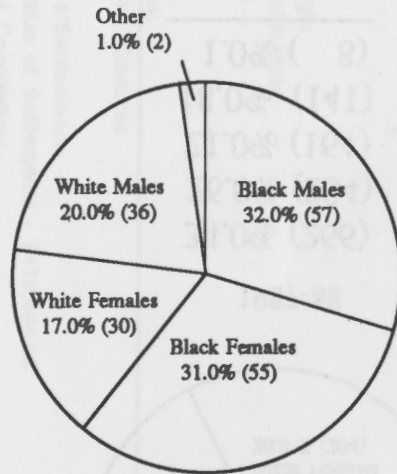
Black Males	32.0% (237)
Black Females	28.0% (208)
White Males	22.0% (163)
White Females	17.0% (126)
Other	1.0% (8)
Totals	100.0% (742)



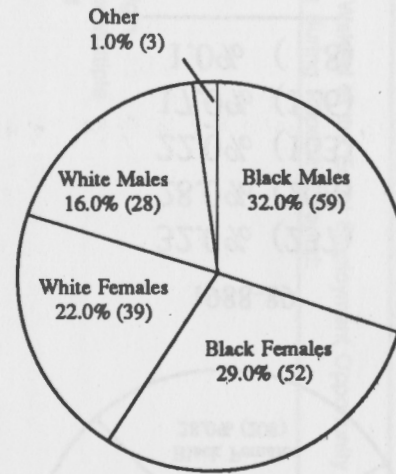
1989-90

Black Males	33.0% (276)
Black Females	27.0% (234)
White Males	24.0% (207)
White Females	15.0% (129)
Other	1.0% (9)
Totals	100.0% (855)

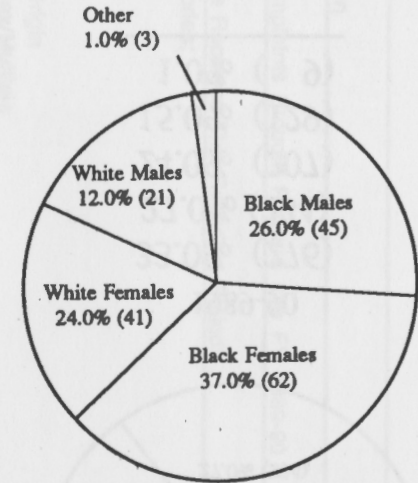
CHART A-2
Comparative Analysis of Cases Settled by Race and Sex During
Fiscal year 1987-88, 1988-89 and 1989-90



1987 - 88



1988 - 89



1989 - 90

Black Males	32.0% (57)
Black Females	31.0% (55)
White Females	17.0% (30)
White Males	20.0% (36)
Other	1.0% (2)

1987 - 88
32.0% (57)
31.0% (55)
17.0% (30)
20.0% (36)
1.0% (2)
<hr/> 100.0% (180)

Black Males	32.0% (59)
Black Females	29.0% (52)
White Females	22.0% (39)
White Males	16.0% (28)
Other	1.0% (3)

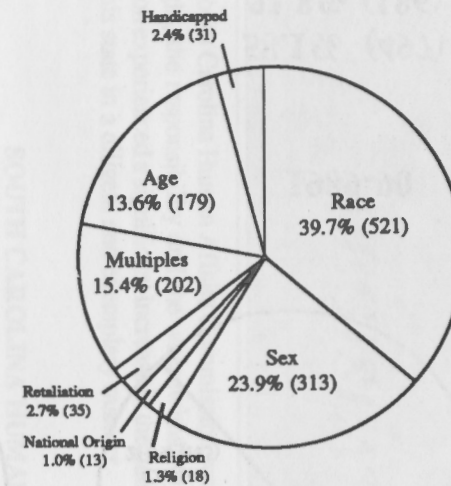
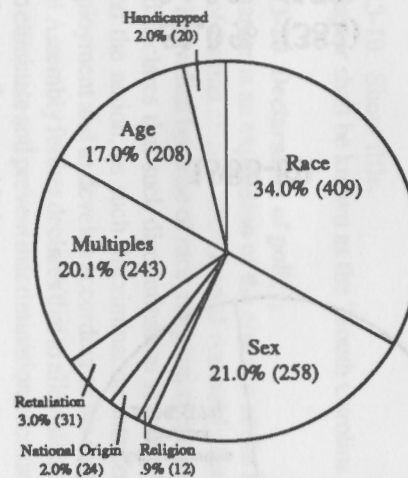
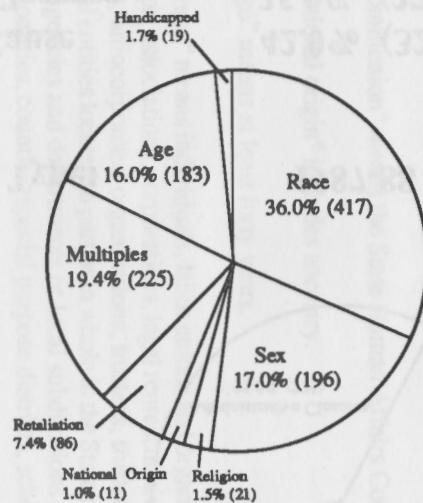
1988 - 89
32.0% (59)
29.0% (52)
22.0% (39)
16.0% (28)
1.0% (3)
<hr/> 100.0% (181)

Black Females	37.0% (62)
Black Males	26.0% (45)
White Females	24.0% (41)
White Males	12.0% (21)
Other	1.0% (3)

1989 - 90
37.0% (62)
26.0% (45)
24.0% (41)
12.0% (21)
1.0% (3)
<hr/> 100.0% (172)

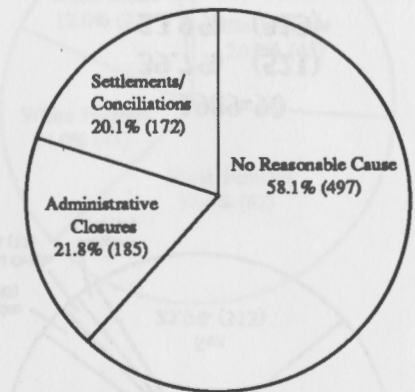
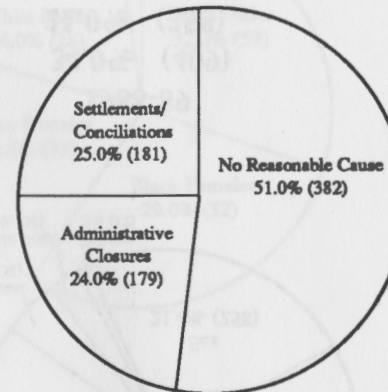
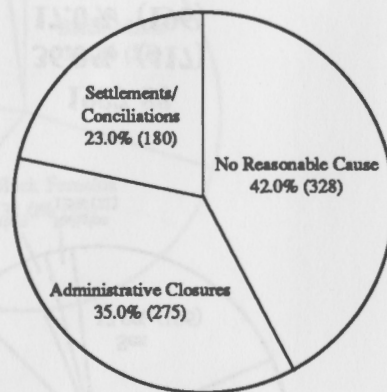
TOTALS

Chart B
Comparative Analysis of Complaints Received by Basis during
Fiscal Year 1987-88, 1988-89 and 1989-90



	1987-88	1988-89	1989-90
Race	36.0% (417)	34.0% (409)	39.7% (521)
Sex	17.0% (196)	21.0% (258)	23.9% (313)
Religion	1.5% (21)	.9% (12)	1.3% (18)
National Origin	1.0% (11)	2.0% (24)	1.0% (13)
Retaliation	7.4% (86)	3.0% (31)	2.7% (35)
Multiples	19.4% (225)	20.1% (243)	15.4% (202)
Age	16.0% (183)	17.0% (208)	13.6% (179)
EPA	0.0% (0)	0.0% (0)	0.0% (0)
Handicapped	1.7% (19)	2.0% (20)	2.4% (31)
TOTALS	100.0% (1,158)	100.0% (1,205)	100.0% (1,312)

CHART C
Comparative Analysis of Final Actions/Determinations
Issued by Compliance Programs During
Fiscal year 1987-88, 1988-89 and 1989-90



Final Actions by Type:

1987-88

1988-89

1989-90

No Reasonable Cause	42.0% (328)
Administrative Closures	35.0% (275)
Settlements/Conciliations	23.0% (180)

No Reasonable Cause	51.0% (382)
Administrative Closures	24.0% (179)
Settlements/Conciliations	25.0% (181)

No Reasonable Cause	58.1% (497)
Administrative Closures	21.8% (186)
Settlements/Conciliations	20.1% (172)

TOTALS

100.0% (783)

100.0% (742)

100.0% (855)

LEGISLATION

The South Carolina Human Affairs Commission was founded on the notion that South Carolina has the right, the responsibility and the wherewithal to solve its problems at home. Although the Commission experienced a significant increase in the number of cases, the staff continues to serve the needs of this state in a diligent and exemplary manner.

SOUTH CAROLINA HUMAN AFFAIRS LAW

Section 1-13-10. Short title.

This chapter shall be known as the "South Carolina Human Affairs Law."

Section 1-13-20 Declaration of policy.

This chapter is an expression of the concern of the State for the promotion of harmony and the betterment of human affairs. The General Assembly hereby declares the practice of discrimination against any individual because of race, religion, color, sex, age or national origin is a matter of State concern and declares that such discrimination is unlawful and in conflict with the ideals of South Carolina and the nation, as such discrimination interferes with opportunities of the individual to receive employment and to develop according to his own ability and is degrading to human dignity. The General Assembly further declares that to alleviate such problems a State agency is created which shall seek to eliminate and prevent discrimination because of race, religion, color, sex, age, or national origin as is hereinafter provided.

Section 1-13-30. Definitions.

The following words and phrases used herein shall be construed as follows:

- (a) "Commission" means the State Human Affairs Commission.
- (b) "National origin" includes ancestry.
- (c) "Age" means at least forty years.
- (d) "Person" means individuals, labor unions and organizations, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, other legal or commercial entities located in part or in whole in the State or doing business in the State, the State and any of its agencies and departments or local subdivisions of state agencies and departments; and municipalities, counties, special purpose districts, school districts and other local governments.
- (e) "Employer" means any person who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include an Indian tribe or a bona fide private membership club other than a labor organization.
- (f) "Employment agency" means any person regularly undertaking to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person.

(g) "Labor organization" means any agent of a labor organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council which is subordinate to a national or international labor organization.

(h) "Employee" means an individual employed by an employer, except that the term "employee" shall not include any person elected to public office in this State, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policy-making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subjected to the civil service laws of the State or any of its agencies, departments, local subdivisions, or political subdivisions of the State, local government, or local governmental agencies.

(i) "Complainant" means an individual alleging to have been aggrieved by an employment practice which is unlawful under this chapter.

(j) "Respondent" means a person against whom a charge of violation has been filed.

(k) The term "religion" means all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(l) The terms "because of sex" or "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but are similar in their ability or inability to work, and nothing in item (3) of subsection (h) of Section 1-13-80 shall be interpreted to permit otherwise.

This subsection shall not require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion. Provided, that nothing herein shall preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion. This subsection shall not apply to any fringe benefit fund or insurance program which was in effect on October 31, 1978, until April 30, 1979. Until after October 31, 1979 or, if there was an applicable collective bargaining agreement in effect on October 31, 1978, until the termination of that agreement, no person who, on October 31, 1978, was providing either by direct payment or by making contributions to a fringe benefit fund or insurance program, benefits in violation of the provisions of this chapter relating to sex discrimination in employment shall, in order to come into compliance with such provisions, reduce the benefits or the compensation provided any employee on October 31, 1978, either directly or by failing to provide sufficient contributions to a fringe benefit fund or insurance program: Provided, That where the costs of such benefits on October 31, 1978 are apportioned between employers and employees, the payments of contributions required to comply with the provisions of this chapter relating to sex discrimination in employment may be made by employers and employees in the same proportion: And provided, further, That nothing in this section shall prevent the readjustment of benefits or compensation for reasons unrelated to compliance with the provisions of this chapter relating to sex discrimination in employment.

Section 1-13-40. Creation of South Carolina Human Affairs Commission.

(a) There is hereby created in the executive department the South Carolina Human Affairs Commission, to encourage fair treatment for, and to eliminate and prevent discrimination against, any member of a group protected by this chapter, and to foster mutual understanding and respect among all people in this State.

(b) The Commission shall consist of seventeen members, with two members from each congressional district appointed by the Governor, with the advice and consent of the Senate, three members at large appointed by the Governor, one member from the Senate appointed by the President of the Senate and one member from the House of Representatives appointed by the Speaker. The first appointed members from the first and second congressional districts and one at large member shall serve until June, 1984. The first appointed members from the third and fourth congressional districts and one at large member shall serve until June, 1985. Thereafter all members shall serve for a term of three years with the exception of the two legislative members, who shall be appointed for one year commencing at the beginning of the annual session of the General Assembly and until their successors are appointed and qualify. Vacancies shall be filled in the manner of the original appointment for the unexpired term.

(c) No member of the Commission shall serve more than two consecutive terms. A member having served two consecutive terms shall be eligible for reappointment one year after the expiration of his second term.

(d) The Governor shall appoint one of the at large members to serve as chairman and may appoint any member to serve as vice-chairman, each to serve a term of one year. In the absence of appointment of a vice-chairman, the members may elect one of their number to fill that office. The Commission may elect other officers from among its members as necessary, except that the Commissioner may be elected to serve as secretary.

(e) The Commission shall meet at such times and in such places as it may determine.

(f) A quorum for transacting business shall consist of a majority of the membership as constituted at the time of a meeting.

(g) Each member shall be entitled to one vote on each issue presented, a majority of the votes cast determining the issue. Votes may be cast only in person. Voting may be by secret ballot or by voice vote.

(h) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission.

(i) Members of the Commission shall be entitled to such per diem, mileage and subsistence as is provided by law for boards, committees and commissions.

(j) The Commission shall render each year to the Governor and to the General Assembly a written report of its activities and of its recommendations.

Section 1-13-50. Commissioner and personnel.

(a) The Commission shall recommend to the Governor a person who shall be employed as Commissioner and shall, with the approval of the Governor, employ such person who shall be subject to dismissal by the Commission with the approval of the Governor. The Commissioner shall be the chief administrative officer of the Commission, and shall perform such duties as are incident to such office or are required of him by the Commission.

(b) The Commissioner shall receive such compensation as may be provided by law.

(c) The Commissioner shall recommend to the Commission, and with its approval, employ attorneys, secretaries, clerks, investigators and conciliators for the expeditious discharge of the Commission's duties.

Section 1-13-60. Duties of chairman and vice-chairman.

The chairman shall be the presiding officer at meetings of the Commission and shall promote the orderly transaction of its business. In the chairman's absence, or his inability to act, the vice-chairman or if no vice-chairman has been appointed or elected, a commissioner designated by the chairman shall act in his stead.

Section 1-13-70. Powers of Commission.

The Commission shall have the power:

(a) To establish and maintain its principal office in the city of Columbia and such other offices within the State as it may deem necessary.

(b) To adopt bylaws.

(c) To promulgate, in accordance with the provisions of this chapter, regulations including, but not limited to, regulations requiring the posting of notices prepared or approved by the Commission and the submission of equal employment opportunity plans and reports by any state agency or department or local subdivisions of a state agency or department, according to a format and schedule approved by the Commission.

(d) To formulate policies to effectuate the purposes of this chapter and to make recommendations to appropriate parties in furtherance of such policies.

(e) To obtain and utilize upon request the services of all governmental departments and agencies.

(f) To create or recognize such advisory agencies and conciliation councils, local, regional or statewide, as will aid in effectuating the purposes of this chapter and of Section 3 of Article I of the Constitution of this State. The Commission may empower such agencies and councils to study problems of discrimination in all or specific fields of human affairs or in specific instances of discrimination because of race, religion, color, sex, age or national origin and to foster through community effort, or otherwise, goodwill, cooperation and conciliation among the groups and elements of the population of the State. Such agencies and councils may also make recommendations to the Commission for the development of policies and procedures in general and in specific instances and for programs of formal or informal education which the Commission may in turn recommend to the appropriate State agency. Such advisory agencies and conciliation councils shall, as far as practicable, be composed of representative citizens.

(g) To seek the understanding and cooperation of or to enter into agreement with any existing or later-created councils, agencies, commissions, task forces, institutions or organizations, public or private, which are, in the judgment of the Commission, dedicated to the promotion of human rights and affairs.

(h) To issue publications and results of investigations and research as in its judgment will tend to promote goodwill and the betterment of human affairs.

(i) To require from any state agency or department or local subdivisions of a state agency or department such reports and information at such times as it may deem reasonably necessary to effectuate the purposes of this chapter.

(j) To prepare and distribute copies of this chapter, or any regulations promulgated pursuant to subsection (c) of this section, of policies formulated pursuant to subsection (d) of this section or of any other materials effectuating the purposes of this chapter; to make the chapter available to the public and to require the chapter to be posted in places conspicuous to employees of state agencies or departments or local subdivisions of a state agency or department and to applicants for employment there with.

Section 1-13-70 (continued)

(k) To cooperate with the United States Equal Employment Opportunity Commission created by the Civil Rights Act of 1964 (78 Stat. 241) in order to achieve the purposes of that act and with other Federal, State and local agencies and departments.

(l) To accept reimbursement pursuant to section 709(b) of the Civil Rights Act of 1964 (78 Stat. 241) for services rendered to the United States Equal Employment Opportunity Commission.

(m) To accept gifts or bequests, grants or other donations, public or private.

(n) To investigate problems in human affairs in the State and in connection therewith, to hold hearings, to request the attendance of persons who shall give testimony, to receive for the record of any such hearing written statements, documents, exhibits and other items pertinent to the subject matter of any such hearing, and following any such investigation or hearing to issue such report and recommendations as in its opinion will assist in effectuating the purposes of this chapter.

(o) To receive and resolve complaints in accordance with the provisions of Section 1-13-90.

(p) Pursuant to subsections (e) and (i), if a person fails to permit access, or otherwise refuses to cooperate, the Commission may request an order of a court of competent jurisdiction requiring access and other related good faith compliance.

(q) To furnish technical assistance requested by persons subject to this chapter to assist them in their compliance with this chapter, the regulations promulgated hereunder, a conciliation agreement or an order issued thereunder.

(r) To petition for an order of a court of competent jurisdiction requiring compliance with an order issued by the Commission pursuant to the procedure set forth in item (16) of subsection (c) of Section 1-13-90; provided, that a complainant, respondent or intervenor aggrieved by an order of the Commission is entitled to judicial review. The procedure for compliance, enforcement or review shall be as set forth in item (19) of subsection (c) of Section 1-13-90.

(s) To institute proceedings in a court of competent jurisdiction, for cause shown, to prevent or restrain any person from violating any provision of this chapter.

(t) To contract with persons and organizations to perform services as it may deem reasonably necessary to effectuate the purposes of this chapter and to accept reimbursement for services rendered pursuant to the contract.

(u) To make contractual agreements, within the scope and authority of this chapter, with any agency of the federal government, which agreements may include provisions under which the Federal Equal Employment Opportunity Commission shall refrain from processing a charge in South Carolina in any class specified in such agreements.

(v) To perform the functions specified in this chapter.

Section 1-13-80. Unlawful employment practices; exceptions.

(a) It shall be an unlawful employment practice for any employer:

(1) To fail or refuse to hire, bar, discharge from employment or otherwise discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment because of such individual's race, religion, color, sex, age or national origin;

(2) To limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or other-

wise adversely affect his status as an employee, because of such individual's race, color, religion, sex, age or national origin;

(3) To reduce the wage rate of any employee in order to comply with the provisions of this chapter relating to age.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, age or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, age or national origin.

(c) It shall be an unlawful employment practice for a labor organization:

(1) To exclude or to expel from its membership, or other-wise to discriminate against, any individual because of his race, color, religion, sex, age or national origin;

(2) To limit, segregate, or classify its membership, or applicants for membership, or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment because of such individual's race, color, religion, sex, age or national origin;

(3) To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of his race, color, religion, sex or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership because he has opposed any practice made an unlawful employment practice by this chapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

(f) It shall be an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on the-job training programs, to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in, or any classification or referral for employment by, such a labor organization, or relating to any classification or referral for employment by such an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

(g) It shall be unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such an employer or membership in, or any classification or referral for employment by, such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination based on age.

Section 1-13-80 (continued)

(h) Notwithstanding any other provision of this chapter:

(1) It is not an unlawful employment practice for an employer to employee employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

(2) It is not an unlawful employment practice for any party subject to the provisions of this section to compile or assemble such information as may be required pursuant to Section 1-13-70(i) or Federal Equal Employment Opportunity Commission or federal contract compliance requirements, or pursuant to any other law not inconsistent with this chapter.

(3) It is not an unlawful employment practice for an employer to apply different standards of compensation, different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system or a system which measures earnings by quantity or quality of production or to employees who work in different locations so long as such differences are not the result of an intention to discriminate because of race, religion, color, sex, or national origin; nor is it an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test if such test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, or national origin. It is not an unlawful employment practice under this chapter for any employer to differentiate upon the basis of sex in determining the amount of wages or compensation paid or to be paid to employees of such employer if the differentiation is authorized by the provisions of Section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206-d).

(4) Nothing contained in this chapter applies to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

(5) This chapter does not apply to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. It is not an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if the school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(6) Nothing contained in this chapter may be interpreted to require any employer, employment agency labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to any individual or to any group because of race, color, religion, sex, or national origin of the individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any

Section 1-13-80 (continued)

labor organization, or admitted to, or employed in, any apprenticeship or other training program in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, state, section, or other area, or in the available work force in any community, state, section, or other area.

(7) It is not unlawful for an employer, employment agency, or labor organization:

(i) to take any action otherwise prohibited under this chapter where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age;

(ii) to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this chapter except that no such employee benefit plan may excuse the failure to hire any individual.

Notwithstanding the provisions of subitem (ii), no seniority system or employee benefit plan may require or permit the involuntary retirement of any individual covered by the provisions of this chapter relating to age because of the age of the individual; however, in the case of employees covered by a collective bargaining agreement which was in effect on June 30, 1986, and which would otherwise be prohibited by the provisions of this subitem, this subitem takes effect upon the termination of such agreement or on January 1, 1990, whichever occurs first.

(8) Nothing in this chapter may be construed to prohibit compulsory retirement of any employee who has attained sixty-five years of age and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy making position, if the employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of the employee, which equals, in aggregate, at least forty-four thousand dollars.

(9) In applying item (8) of this subsection (h) the retirement benefit test, if any such retirement benefit is in a form other than a straight life annuity (with no ancillary benefits), or if employees contribute to any such plan or make rollover contributions, such benefit must be adjusted in accordance with regulations prescribed by the Commissioner so that the benefit is the equivalent of a straight life annuity (with no ancillary benefits) under a plan to which employees do not contribute and under which no rollover contributions are made.

(10) Nothing in this chapter relating to age discrimination in employment may be construed to prohibit compulsory retirement of any employee who has attained 70 years of age and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education. The provisions of this item are effective until December 31, 1993.

(11) It is an unlawful employment practice for any person to forcibly resist, prevent, impede, or interfere with the Commission or any of its members or representatives in the lawful performance of duty under this chapter.

(12) It is not unlawful for an employer which is the State, a political subdivision of the State, an agency or instrumentality of the State or of a political subdivision of the State, or an

Section 1-13-80 (continued)

interstate agency to fail or refuse to hire or to discharge any individual because of the individual's age if the action is taken (a) with respect to the employment of an individual as a firefighter or as a law enforcement officer and the individual has attained the age of hiring or retirement in effect under applicable law on March 3, 1983, and (b) pursuant to a bona fide hiring or retirement plan that is not a subterfuge to evade the purposes of this chapter. The provisions of this item are effective until December 31, 1993.

(13) The term "firefighter" means an employee the duties of whose position are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, including an employee engaged in this activity who is transferred to a supervisory or administrative position.

(14) The term "law enforcement officer" means the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the State, including an employee engaged in this activity who is transferred to a supervisory or administrative position. For the purpose of this item (14), "detention" includes the duties of employees assigned to guard individuals incarcerated in any penal institution.

(15) Nothing contained in items (8), (10), and (12) above may override provisions of Sections 9-1-1530 and 9-1-1537 of the 1976 Code of Laws.

Section 1-13-90. Complaints, investigations, hearings and orders.

(a) Any person shall complain in writing under oath or affirmation to the Commission within one hundred eighty days after the alleged discriminatory practice occurred. The Commissioner, his employees or agents, shall assist complainants in reducing verbal complaints to writing and shall assist in setting forth such information as may be required by the Commission. The Commission shall serve a copy of the complaint upon the respondent within ten days after the complaint is received by the Commission, except that if the Commission determines for good cause that such service will impede its investigation of the complaint, it shall serve notice of the complaint, including the date, place, and circumstances of the alleged unlawful employment practice upon the respondent within ten days after the complaint is received by the Commission.

(b) Any complainant who is a member of the Commission shall be disqualified from participation except as the complainant in the processing and resolution of the complaint.

(c) For complaints asserting expressly or in substance a violation by a state agency or department or local subdivisions of a state agency or department of Section 1-13-80 the procedure shall be as follows:

(1) The Commissioner shall assign one or more of his employees or agents to investigate the complaint, in which case one shall be designated the investigator in charge of the complaint. Information gathered during an investigation under this subsection shall not be made public by the Commission, its officers or employees, except for information made public as a result of being offered or received into evidence in an action brought under this subsection.

(2) The Chairman of the Commission or, upon the request of the Chairman, the Commissioner shall designate a member of the Commission to supervise the processing of the complaint.

(3) The complaint may be resolved at any time before a hearing by conference, conciliation and persuasion with the complainant and the respondent, such resolution to be embodied in

Section 1-13-90 (continued)

a conciliation agreement, which shall include an agreement by the respondent to refrain from committing unlawful discriminatory practices in the future, and which may contain such further provisions as are agreed upon by the complainant and the respondent. No conciliation agreement shall be deemed an effective resolution by the Commission unless the supervisory commission member shall have reviewed and approved the terms thereof. Positions taken by a witness in connection with such efforts toward conciliation shall not be made public or used against the interest of the witness in a subsequent proceeding.

(4) In undertaking its investigation of a complaint the Commission shall have the authority:

(i) To issue a subpoena or subpoena duces tecum and thereby compel attendance of witnesses or production for examination of books, papers, and records, whenever it is deemed necessary to compel the attendance of witnesses, or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers or any other evidence relating to any matter under investigation or in question before the Commission. The power may be exercised only by the joint action by the Chairman of the Commission and the Commissioner.

(ii) To require any party or witness to answer interrogatories at any time after the complaint is filed.

(iii) To take depositions of witnesses including any party pursuant to a complaint or investigation made by the Commission.

(iv) Pursuant to subitems (a), (b), (c), above, if a person fails to permit access, fails to comply with a subpoena, refuses to have his or her deposition taken, refuses to answer interrogatories, or otherwise refuses to allow discovery, the Commission may request an order of a court of competent jurisdiction requiring discovery and other related good faith compliance.

(5) If not sooner resolved, the investigator shall upon completion of his investigation submit to the supervisory commission member a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The supervisory commission member, after review of the case file and the statement and recommendation of the investigator shall issue an order either of dismissal or for a hearing, which order shall not be subject to judicial or other further review.

(6) If the order be of dismissal, the supervisory commission member shall mail a copy of the order to the complainant and the respondent at their last known addresses.

(7) If the order be for a hearing, the supervisory commission member shall annex thereto a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(8) At any time before a hearing a complaint may be amended by the supervisory commission member upon the request of the investigator or of the complainant or of the respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for such hearing.

(9) Upon request by any party, the Commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be

Section 1-13-90 (continued)

present at the hearing, or at prehearing depositions, unless the Commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(10) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his or her deposition taken, refused to answer interrogatories, or otherwise refused to allow discovery, the Commission, shall, upon notice to the party or witness, apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the Commission determines that the discovery would be unreasonably or unduly burdensome.

(11) Upon request by the supervisory commission member, the Chairman of the Commission shall designate a panel of three members of the Commission to sit as the Commission to hear the complaint; provided, that no member of the Commission shall be a member of a panel to hear a complaint for which he has been a supervisory Commission member

(12) At any hearing held pursuant to this subsection, the case in support of the complaint shall be presented before the panel by one or more of the Commission's employees or agents, and, with consent of the panel, by legal representatives of the complaining party; provided, that endeavors at conciliation by the investigator shall not be received into evidence nor otherwise made known to the members of the panel.

(13) The respondent shall submit a written answer to the complaint and appear at such hearing in person or by counsel and may submit evidence. The respondent shall have the power reasonably and fairly to amend his answer.

(14) The complainant shall be permitted to be present and submit evidence.

(15) Proceedings under this section shall be subject to the Administrative Procedures Act, Section 1-23-310 through 1-23-400 of the Code of Laws of South Carolina, 1976, as amended, and in case of conflict between the provisions of this chapter and the Administrative Procedures Act, the Administrative Procedures Act shall govern. A recording of the proceedings shall be made, which may be subsequently transcribed upon request and payment of a reasonable fee by the complainant or the respondent. The fee shall be set by the Commission or upon motion of the panel, in which case copies of such transcription shall be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the Commission.

(16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the Commission an opinion and order requiring that such unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.

(17) If upon all the evidence at the hearing the panel shall find that the respondent has not engaged in any such unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent.

Section 1-13-90 (continued)

(18) A copy of the opinion and order of the Commission shall be delivered in all cases to the Attorney General and to such other public officers as the Commission deems proper. Copies of the opinion and order shall be available to the public for inspection upon request, and copies shall be made available to any person upon payment of a reasonable fee set by the Commission.

(19) (i) If an application for review is made to the Commission within fourteen days from the date when the order of the Commission shall have been given, the Commission shall, for good cause shown, review the order and evidence, receive further evidence, rehear the parties or their representatives and, if proper, amend the order.

(ii) The order of the Commission, as provided in item (16) of subsection (c) of this section, if not reviewed in due time, or an order of the Commission upon such review, as provided for in subitem (i) of item (19) of this subsection, shall be conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative and substantive evidence in the whole record. Either party to the dispute may, within thirty days after receipt of notice to be sent by registered mail of such order, but not thereafter, appeal from the decision of the Commission to the court of common pleas of the county in which the hearing occurred, or in which the respondent resides or has his principal office. In case of an appeal from the decision of the Commission, such appeal shall operate as a supersedeas for thirty days only, unless otherwise ordered by the court, and thereafter the respondent shall be required to comply with the order involved in the appeal or certification until the questions at issue therein shall have been fully determined in accordance with the provisions of this chapter.

(iii) The Commission may institute a proceeding for enforcement of its order of item (16) of subsection (c) of this section, or its amended order of subitem (i) of item (19) of this subsection after thirty days from the day of such order, by filing a petition in the court of common pleas of the county in which the hearing occurred, or wherein any person required in the order to cease and desist from a practice which is the subject of the Commission's order, or to take other affirmative action, resides or transacts business.

If no appeal under subitem (ii) of item (19) of this subsection is initiated, the Commission may obtain a decree of the court for enforcement of its order upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the Commission's order.

(d) For complaints asserting expressly or in substance a violation of Section 1-13-90 by employers, employment agencies or labor organizations, including municipalities, counties, special purpose districts, school districts, and local governments, but not including employers, employment agencies or labor organizations covered by Section 1-13-90(c), the procedure shall be as follows:

(1) The Commissioner shall assign one or more of his employees or agents to investigate the complaint, in which case one shall be designated the investigator in charge of the complaint.

(2) Commission shall institute an investigation by its employees to ascertain the facts relating to such alleged unlawful employment practice. In its investigation of a charge filed under this chapter, the Commission or its designated employees shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any

Section 1-13-90 (continued)

person being investigated that relates to unlawful employment practices covered by this chapter and is relevant to the charge under investigation. If any persons fail to permit access to such evidence, the Commission may issue a subpoena duces tecum and thereby compel the production for examination and copying of such evidence. If any person fails to comply with a subpoena issued under this chapter, the Commission may request an order of a court of competent jurisdiction requiring compliance with the subpoena. The person against whom an order of court is sought shall be given at least four days' notice of the time and place of the court hearing and may appear and oppose the granting of any order. Any person may, after giving the Commission at least four days' notice, move before a court of competent jurisdiction for an order quashing any subpoena issued under this subsection. Information gathered during an investigation under this subsection shall not be made public by the Commission, its officers or employees, except for information made public as a result of being offered or received into evidence in an action brought under this subsection.

(3) The complaint may be resolved at any time by conference, conciliation and persuasion with the complainant and the party complained of, such resolution to be embodied in a conciliation agreement, which may include an agreement by the respondent to refrain from committing unlawful discriminatory practices in the future, and which may contain such further provisions as are agreed upon by the complainant and the party complained of. Nothing said or done during and as part of such informal endeavors may be made public by the Commission or used as evidence in a subsequent proceeding.

(4) If not sooner resolved, the investigator shall upon completion of his investigations submit to the Commissioner a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that the Commission bring an action in equity in circuit court against the respondent. The Commissioner, after a review of the case file and the statement and recommendation of the investigator, may issue an order either to dismiss the charge or to bring an action in equity in circuit court against the respondent, which order shall not be subject to judicial or other further review.

(5) If the order be of dismissal, the Commissioner shall mail a copy of the order to the complainant and to the respondent at their last known addresses.

(6) If a charge filed with the Commission by a complainant pursuant to this chapter is dismissed by the Commission, or if within one hundred eighty (180) days from the filing of the charge the Commission has not filed an action under this chapter or entered into a conciliation agreement to which the complainant is a party, the complainant may bring an action in equity against the respondent in circuit court. The action must be brought within one year from the date of the violation alleged, or within one hundred twenty days from the date the complainant's charge is dismissed, whichever occurs earlier, except that this period may be extended by written consent of the respondent.

(7) If within thirty days after issuance of its determination the Commission is unable to secure from the respondent a conciliation agreement acceptable to the Commission, or if the Commission determines after investigation that the respondent has violated the terms of a conciliation agreement, the Commission may bring an action in equity against the respondent in circuit court. Such action shall be brought within one year from the date of the violation alleged, except that this period may be extended by written consent of the respondent.

(8) No action may be brought under this chapter by a complainant if an action based on the same charge has been brought by the Commission, and no action may be brought under this chapter by the Commission if an action based on the same charge has been brought by the complainant. No action may be brought under this chapter if an action alleging essentially the same facts and seeking relief for the same complainant has been brought in any federal court.

Section 1-13-90 (continued)

Any action brought under this chapter shall be promptly dismissed if an action alleging essentially the same facts and seeking relief for the same complainant is brought in any federal court.

(9) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement of hiring of employees, with or without back pay payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice or any other equitable relief as the court deems appropriate. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. Unemployment compensation, interim earnings, or amount earnable with reasonable diligence, by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union, of the hiring, reinstatement or promotion of an individual as an employee, or the payment to him of any back pay if such individual was refused admission, suspended or expelled, or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, age or national origin in violation of this chapter, or discrimination in violation of subsection (e) of Section 1-13-80.

(e) For complaints of the existence or occurrence of any practice asserted to be discriminatory on the basis of race, religion, color, age, sex or national origin, other than those discriminatory practices declared unlawful by Section 1-13-80, or of any other dispute regarding human affairs, the procedure of the Commission shall be as follows:

The Commissioner shall assign one or more of the Commission's employees or agents who may resolve the complaint by conference, conciliation and persuasion with the complainant and the respondent, such resolution to be embodied in a conciliation agreement, which shall include such provisions as are agreed upon by the complainant and the respondent. In the event the employee or agent so assigned is unable after reasonable efforts to resolve the complaint, he shall withdraw from the matter and not participate further therein and the Commission file of the complaint shall be closed. If the complainant and the respondent thereafter resolve the complaint and submit a record of such resolution to the Commission, such record shall be entered into the commission file of the complaint.

(f) If in the course of processing any complaint under the procedure set forth in (e) above sufficient facts shall appear warranting the processing of the complaint under the procedure provided by subsection (c) or (d) of this section upon notice to the complainant and to the respondent, such other procedure shall thereafter be followed for the processing of the complaint.

(g) The Commission shall establish such rules as may be necessary to govern, expedite and effectuate the procedures prescribed in this section.

Section 1-13-100. Construction and application of chapter.

Nothing in this chapter shall be construed to create any cause of action other than those specifically described in Section 1-13-90 of this chapter. Nothing in this chapter shall be construed to create any cause of action against a person not covered by Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e *et seq.*, if the cause of action arises from discrimination on the basis of race, color, religion, sex, or national origin. Nothing in this chapter shall be construed to create any cause of action against a person not covered by the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. Section 621 *et seq.*, if the cause of action arises from discrimination on the basis of age.

Section 1-13-110. Affirmative action plans by State agencies; approval by Commission; action by General Assembly.

Each State agency shall develop an Affirmative Action Plan to assure equitable employment for members of minorities (race and sex) and shall present such Plans to the Human Affairs Commission. On or before February 1 of each year, the Human Affairs Commission shall submit a report to the General Assembly concerning the status of the Affirmative Action Plans of all State agencies. If any Affirmative Action Plans have been disapproved, the report shall contain the reasons for such disapproval. If the General Assembly takes no action within sixty (60) days on those Plans which have been disapproved, the action of the Human Affairs Commission shall be final.

Summary of The South Carolina Human Affairs Law

Section 1-13-10

Names the law "The South Carolina Human Affairs Law."

Section 1-13-20

Declares discrimination on the basis of race, religion, color, sex, age, and national origin unlawful. Creates the State Human Affairs Commission to eliminate and prevent discrimination.

Section 1-13-30

Defines words and phrases used throughout the Act. For example, "age" is defined as, "at least 40 years." The phrase "because of sex" includes rules about pregnancy, childbirth and related medical conditions.

Section 1-13-40

Sets the number of Commission members at 17. The Commission members are appointed by the Governor, with the advice and consent of the Senate. They generally serve for three years and are eligible to serve two consecutive terms. A year after a Commission member is off the board, he or she is eligible to be re-appointed. Also, there are two ex-officio board members, one each from the South Carolina House and Senate. The Governor appoints the Chairman of the Commission. This section sets up the framework for the Commission to meet and transact business.

Section 1-13-50

Allows the Commission to employ a Commissioner, with the Governor's approval. The Commissioner is given the authority to hire a staff.

Section 1-13-60

Explains some of the duties of the Chairman and Vice-chairman of the Commission.

Section 1-13-70

Allows the Commission to:

1. Establish offices in South Carolina;
2. Adopt bylaws;
3. Establish rules and regulations;
4. Make policies;
5. Cooperate and contract with federal agencies;
6. Recognize certain local groups that can help promote and enhance the Human Affairs Law and its purpose;
7. Require specific reports from state agencies and/or departments;
8. Require employers to make employees and people applying for jobs aware of the Human Affairs Law;

9. Deal with problems in human affairs above and beyond problems of employment discrimination;
10. Go to court to compel employers to cooperate with the Commission;
11. Furnish technical assistance.

Section 1-13-80

Defines unlawful employment practices (with limited exceptions), making the Human Affairs Law apply to all aspects of employment, including hiring, promotion, pay and firing.

Section 1-13-90

Gives the Commission certain powers concerning complaints, investigations, hearings and orders. Specifically, the law gives the Commission the power to informally investigate complaints on the basis of race, religion, color, sex, age and national origin, other than employment discrimination.

Complaints:

1. Must be in writing;
2. Must be filed within 180 days;
3. Must be filed at the Commission office, in person or by mail;
4. Must be forwarded to the employer by the Commission.

A complaint against a state agency:

1. Will be investigated by the Commission, under the supervision of one Commission member. The Commission has the power to require the cooperation of the "state agency" employer.
2. May be settled or withdrawn at any time.
3. If not settled, may go to a public hearing before a panel of three Commission members. During or before the hearing, the Commission may issue a subpoena, requiring a witness to appear, or requiring an employer to provide records. At the hearing, both sides can present witnesses and testimony. The Commission, after hearing the testimony, can issue an order either dismissing the complaint or ruling in favor of the person who filed the complaint. A Commission order can be appealed before the Court of Common Pleas. The Commission can go to court to get its order enforced.

A complaint against a non-state employer:

1. Will be investigated by the Commission. The Commission has the power to require the cooperation of the employer.
2. May be settled or withdrawn at any time.
3. If not settled before the investigation ends, will be acted on by the Commissioner.
4. May be taken to court if either party disagrees with the Commissioner's determination. Also, the Commission may follow through on the complaint in court.

Section 1-13-100

Makes it clear that the sections of the law dealing with non-state employers are intended to parallel Title VII of the Civil Rights Act.

Section 1-13-110

Requires State agencies to develop Affirmative Action Plans. Requires the Commission to submit a report to the General Assembly on the status of Affirmative Action Plan of all State agencies.

South Carolina Bill of Rights for Handicapped Persons

Section 43-33-510. Short title.

This article may be cited as the South Carolina Bill of Rights for Handicapped Persons.

Section 43-33-520. Guaranteed opportunities.

The opportunity to obtain employment, housing, full and equal use of public accommodations, public services, and to make use of educational facilities without discrimination because of a handicap is guaranteed by this article and is a civil right.

Section 43-33-530. Discrimination prohibited without reasonable justification.

No person may discriminate against a handicapped person with respect to employment, public accommodations, public services, or housing without reasonable justification. No protections or right of access provided by law for handicapped persons are reduced or eliminated by the provisions of this section.

Section 43-33-540. Injunctive relief or civil damages for persons discriminated against.

A handicapped person aggrieved by the discrimination prohibited by this article has the right to seek injunctive relief or civil damages, not to exceed five thousand dollars actual damages, plus his attorney's fee and costs, in the court of common pleas.

Section 43-33-550. Jurisdiction over complaints of employment discrimination vested in State Human Affairs Commission.

Jurisdiction over complaints of employment discrimination in violation of this article is vested with the State Human Affairs Commission, and complaints brought hereunder shall be processed and investigated in accordance with Chapter 13 of the Title 1 of the 1976 Code. Employment discrimination shall be an unlawful employment practice as prescribed therein and the provisions, procedures, and remedies of Chapter 13 of Title 1 shall apply to such unlawful employment practice.

Section 43-33-560. Handicap, handicapped, and mental impairment defined.

Notwithstanding the provisions of Section 2-7-35 of the 1976 Code, the terms "handicap" and "handicapped" as used in this article mean a substantial physical or mental impairment, whether congenital or acquired by accident, injury, or disease, where the impairment is verified by medical findings and appears reasonably certain to continue throughout the lifetime of the individual without substantial improvement, but, with respect to employment, which is unrelated to the individual's ability to engage in a particular job or occupation. This does not include any individual who is an alcohol, drug, narcotic, or other substance abuser, or who is only regarded as being handicapped. The term "mental impairment" shall not include mental illness.

Section 43-33-570 . Reasonable justification defined.

For purposes of this article, "reasonable justification" means, in the context of employment, that the handicapped person's mental and physical limitation interferes with the performance of the work involved. Reasonable justification in the context of employment, housing, and public services shall be determined in light of the following factors, among others: (1) safety; (2) efficiency; and (3) cost. An employer's determination that reasonable justification exists will be given substantial deference unless the determination is made to circumvent the purpose of this article.

Section 43-33-580. Exemption of contractors or subcontractors who are subject to federal law.

Employers who are contractors or subcontractors and subject thereby to federal law governing discrimination in employment are exempt from the provisions of this article.

South Carolina Fair Housing Law

Section 31-21-10. This chapter is known and may be cited as the South Carolina Fair Housing Law.

Section 31-21-20. It is the policy of this State to provide, within constitutional limitations, for fair housing throughout the State.

Section 31-21-30. For purposes of this chapter:

- (1) 'Commission' means the South Carolina Human Affairs Commission.
- (2) 'Commissioner' means the Commissioner of the South Carolina Human Affairs Commission.
- (3) 'Covered multi-family dwellings' means:
 - (a) buildings consisting of four or more units if the buildings have one or more elevators; and
 - (b) ground floor units in other buildings consisting of four or more units.
- (4) 'Discriminatory housing practice' means an act that is unlawful under this chapter.
- (5) 'Dwelling' means any building or structure, or portion of any building or structure, which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location on it of any such building or structure, or portion of it.
- (6) (a) 'Familial status' means one or more individuals who have not attained the age of eighteen years and are domiciled with:
 - (i) a parent or another person having legal custody of the individual; or
 - (ii) the designee of the parent or other person having the custody, with the written permission of parent or other person.(b) The protections afforded against discrimination on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.
- (7) 'Handicap' means, with respect to a person:
 - (a) a physical or mental impairment which substantially limits one or more of the person's major life activities;
 - (b) a record of having such an impairment; or
 - (c) being regarded as having an impairment. The term 'handicap' excludes current, illegal use of or addiction to a controlled substance as defined by law.
- (8) 'Housing for older persons' means housing:
 - (a) provided under any state or federal program that the Commissioner determines is designed specifically and operated to assist elderly persons, as defined in the state or federal program; or
 - (b) intended for, and solely occupied by persons sixty-two years of age or older; or
 - (c) intended and operated for occupancy by at least one person fifty-five years of age or older for each unit. In determining whether housing qualifies as housing intended and operated for occupancy by at least one person fifty-five years of age or older, the Commissioner shall develop regulations which require at least the following factors:
 - (i) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or, if the provision of the facilities and services is not practicable, that the housing is necessary to provide important housing opportunities for older persons; and
 - (ii) that at least eighty percent of the dwellings are occupied by at least one person fifty-five years of age or older for each unit; and
 - (iii) the publication of and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

- (d) housing does not fail to meet the requirements for housing for older persons by reason of:
- (i) persons residing in this housing as of the date of enactment of this chapter who do not meet the requirements of subitem (b) or (c); or
 - (ii) unoccupied units, provided that these units are reserved for occupancy by persons who meet the new requirements of subitem (b) or (c).

(9) 'Person' includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

10) 'To rent' includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Section 31-21-40. It is unlawful:

- (1) to refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny a dwelling to any person because of race, color, religion, sex, familial status, or national origin;
- (2) to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with it, because of race, color, religion, sex, familial status, or national origin;
- (3) to make, print or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin or an intention to make the preference, limitation, or discrimination;
- (4) to represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available to inspection, sale or rental when the dwelling is available;
- (5) for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin;
- (6) to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - (a) that buyer or renter;
 - (b) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (c) any person associated with that buyer or renter;
- (7) to discriminate against a person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling, because of a handicap of:
 - (a) that person;
 - (b) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (c) any person associated with that person.

Section 31-21-50. It is unlawful to deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of the access, membership, or participation on account of race, color, religion, sex, handicap, familial status, or national origin.

Section 31-21-60. (A) It is unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of the transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(B) As used in this section, 'residential real estate-related transaction' means any of the following:

- (1) the making or purchasing of loans or providing other financial assistance:
 - (a) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - (b) secured by residential real estate;
- (2) the selling, brokering or appraising of residential real property.

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap or familial status.

Section 31-21-70. (A) Nothing in Section 31-21-40 or 31-21-60 applies to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his residence.

(B) Nothing in Section 31-21-40 or 31-21-60 applies to any single family house sold or rented by an owner when:

- (1) the private individual owner does not own more than three single family houses at any one time; and
- (2) in the sale of any single-family house by a private individual owner not residing in the house at the time of the sale or who was not the most recent resident of the house before the sale, the exemption granted by this subsection applies only with respect to one sale within a twenty-four month period; and
- (3) a bona fide private individual owner does not own an interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or a right to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time.

After the effective date of this chapter, the sale or rental of a single-family house is excepted from the application of this subsection only if the house is sold or rented:

- (a) without the use in any manner of the sales or rental facilities or the sales or rental services of a real estate broker, agent, or salesman, or of the facilities or services of a person in the business of selling or renting dwellings, or of an employee or agent of a broker, agent, salesman, or person; and
- (b) without publication posting or mailing, after notice, of an advertisement or written notice in violation of this chapter. Nothing in this subsection prohibits the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect or transfer this title.

(C) For the purposes of this section a person is considered to be in the business of selling or renting dwellings if he:

- (1) has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest in it;
- (2) has, within the preceding twelve months, participated as agent, other than in the sale of his personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest in it; or

(3) is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(D) Nothing in this chapter prohibits a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of any dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to those persons, unless membership in the religion is restricted because of race, color, or national origin. Nothing in this chapter prohibits a private club not in fact open to the public, which as an incident to its primary purpose provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

(E) It is not unlawful under Section 31-21-40(1) or (2) for any person to deny or limit the rental of housing to persons who pose a real and present threat of substantial harm to themselves, to others, or to the housing itself.

(F) Nothing in this chapter prohibits conduct against a person because the person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by law.

(G) For purposes of Section 31-21-40(6), discrimination includes:

- (1) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford that person full enjoyment of the premises, except that in the case of a rental, the landlord, where it is reasonable to do so, may condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
- (2) a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or
- (3) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is thirty months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwellings in such a manner that:
 - (a) the public use and common use portions of such dwelling are readily accessible to and usable by handicapped persons;
 - (b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (c) all premises within these dwellings contain the following features of adaptive design:
 - (i) an accessible route into and through the dwelling;
 - (ii) light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
 - (iii) reinforcements in the bathroom walls to allow later installation of grab bars; and
 - (iv) usable kitchens and bathrooms that an individual in a wheelchair can maneuver about the space.

(H) Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People (commonly cited as 'ANSI A117.1') suffices to satisfy the requirements of Section 31-21-70(G)(3)(c).

- (1)(a) If a unit of local government has incorporated into its laws the requirements in (G)(3) of this section, compliance with these laws is considered to satisfy the requirements of that section.
- (b) A unit of local government may review and approve newly constructed covered multi-family dwellings for the purpose of making determinations as to whether the design and construction requirements of (G)(3) of this section are met.

Section 31-20-70 (continued)

(c) The commission shall encourage, but may not require, units of local government to include in their existing procedures for the review and approval of newly constructed covered multi-family dwellings, determinations as to whether the design and construction of these dwellings are consistent with (G)(3) of this section, and shall provide technical assistance to units of local government and other persons to implement the requirements of (G)(3) of this section.

(d) Nothing in this chapter may be construed to require the commission to review or approve the plans, designs, or construction of all covered multi-family dwellings, to determine whether the design and construction of these dwellings are consistent with the requirements of (G) (3) of this section.

(I) (1) Nothing in subsection (H) may be construed to affect the authority and responsibility of the commissioner to receive and process complaints or otherwise engage in enforcement activities under this chapter.

(2) Determinations by the unit of local government under subsection (H)(1)(a) or (b) are not conclusive in enforcement proceedings under this chapter.

(J) Nothing in this chapter may be construed to invalidate or limit any law of a political subdivision of the State that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this chapter.

(K) Nothing in this chapter requires that a dwelling be made available to an individual whose occupancy would constitute a direct threat to the health or safety of other individuals or whose occupancy would result in substantial physical damage to the property of others.

(L) Nothing in this chapter limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Owners and managers of dwellings may develop and implement reasonable occupancy and safety standards based on factors such as the number and size of sleeping areas or bedrooms and the overall size of a dwelling unit so long as the standards do not violate local, state, or federal restrictions; no provision in this chapter regarding familial status applies to housing for older persons. Nothing in this chapter prohibits the lease application or similar document from requiring information concerning the number, ages, sex, and familial relationship of the applicants and the dwellings' intended occupants. The owner or manager may consider these factors in determining payment of utilities. The application also may require disclosure by the applicant of the conviction of any intended occupant for violating any laws pertaining to the illegal manufacture or distribution of a controlled substance as defined by law.

(M) The provisions of Section 31-21-40 with respect to discrimination based on sex do not apply to the rental or leasing of dwellings in a single-sex dormitory property.

Section 31-21-80. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise of, or on account of his having aided or encouraged any other person in the exercise of any right granted under this chapter.

Section 31-21-90.

(A) The commission shall administer the provisions of this chapter.

(B) The commission may delegate any of its functions, duties, and powers to its employees including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this chapter.

Section 31-21-100. The commission has the power to:

- (1) promulgate regulations necessary for the enforcement of this chapter which may not exceed the requirements of the 1988 Fair Housing Amendments Act (PL100-430) and any subsequent amendments to it;
- (2) make studies with respect to the nature and extent of discriminatory housing practices in representative urban, suburban, and rural communities throughout the State;
- (3) publish and disseminate reports, recommendations, and information derived from the studies;
- (4) cooperate with and render technical assistance to public or private agencies, organizations, and institutions within the State which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;
- (5) cooperate with the United States Department of Housing and Urban Development to achieve the purposes of that department and with other federal, state, and local agencies and departments;
- (6) accept reimbursement pursuant to Title 28, United States Code, Section 817 for services rendered to the United States Department of Housing and Urban Development;
- (7) accept gifts or bequests, grants, or other donations, public or private;
- (8) institute proceedings in a court of competent jurisdiction, for cause shown, to seek appropriate temporary or preliminary injunctive relief pending final administrative disposition of a complaint;
- (9) contract with persons and organizations to perform services as it may consider reasonably necessary to effectuate the purposes of this chapter and to accept reimbursement for services rendered pursuant to the contract. However, the commission may not delegate its decision-making authority to a non-governmental agency. This decision-making authority includes acceptance of complaints, approval of conciliation agreements, dismissal of complaints, or other enforcement powers granted by this chapter;
- (10) make contractual agreements within the scope and authority of this chapter with any agency of the federal government. An agreement with the Department of Housing and Urban Development may include provisions under which the department shall refrain from processing a charge in this State in any class specified in the agreement;
- (11) administer the programs and activities relating in a manner affirmatively to further the policies of this chapter.

Section 31-21-110. (A) In conducting an investigation, the commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy the materials and take and record the testimony or statements of persons as are reasonably necessary for the furtherance of the investigation, provided the commission first complies with the provisions of the State Constitution relating to unreasonable searches and seizures. The Commission may issue subpoenas to compel its access to or the production of the materials or the appearance of the persons and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in court. The commission may administer oaths. Any examination, recording, copying of materials, and the taking and recording of testimony or statements of persons as reasonably are necessary for the furtherance of the investigation must be solely related to the complaint for which the subpoena was issued.

(B) Upon written application to the commission, a respondent is entitled to the issuance of a reasonable number of subpoenas by and in the name of the commission to the same extent and subject to the same limitations as subpoenas issued by the commission itself. A subpoena issued at the request of a respondent shall show on its face the name and address of the respondent and shall state that it was issued at his request.

(C) Within five days after service of a subpoena upon any person, the person may petition the commission to revoke or modify the subpoena. The commission shall grant the petition if it finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, or that compliance would be unduly onerous or for other good reason.

(D) In case of refusal to obey a subpoena, the commission or the person at whose request the subpoena was issued may petition for its enforcement in the circuit court for the county in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(E) Witnesses summoned by a subpoena under this chapter are entitled to the same witness and mileage fees as witnesses in proceedings in court. Fees payable to a witness summoned by a subpoena issued at the request of a party must be paid by that party or, where a party is unable to pay the fees, by the commission.

Section 31-21-120.

(A) A person who claims to have been injured by a discriminatory housing practice or who believes that he may be injured by a discriminatory housing practice that is about to occur may file a complaint with the commission.

Complaints must be in writing and shall contain information and be in a form required by the commission. Upon receipt of a complaint, the commission shall serve notice upon the aggrieved persons of the time limits and choices of forums provided under this chapter and shall furnish a copy to the person who allegedly committed the discriminatory housing practice or is about to commit the alleged discriminatory housing practice and advise him of the procedural rights and obligations under the law. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (C), the commission shall investigate the complaint and give notice in writing to the person aggrieved whether it intends to resolve it. If the commission decides to resolve the complaint, it shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. If practicable, conciliation meetings must be held in the cities or other localities where the discriminatory housing practices allegedly occurred. Nothing said or done in the course of the informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. An employee of the commission who makes public any information in violation of this provision is guilty of a misdemeanor punishable by a fine of not more than two hundred dollars or imprisoned for not more than thirty days.

(B) A complaint under subsection (A) must be filed within one hundred eighty days after the alleged discriminatory housing practice occurred. The complaint must be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. A complaint may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him, not later than ten days after receipt of notice, and may be amended reasonably and fairly by the respondent at any time. Both complaint and answer must be verified.

(C) Wherever a local fair housing law provides rights and remedies for alleged discriminatory housing practices which substantially are equivalent to the rights and remedies provided in this chapter, the commission shall notify the appropriate local agency of any complaint filed under this chapter which appears to constitute a violation of the local fair housing law, and the commission shall take no further action with respect to the complaint if the local law enforcement official, within thirty days from the date the alleged offense was brought to his attention, has commenced proceedings in the matter. In no event may the commission take further action unless it certifies that in its judgment, under the circumstances of the particular case, the protection of the rights of the parties or the interest of justice require the action. Complaints referred to the commission by the Department of Housing and Urban Development may not be referred by the commission to a local agency.

(D) Any conciliation agreement arising out of conciliation efforts by the commission must be an agreement between the respondent and the complainant and is subject to the approval of the commission. Each conciliation agreement must be made public unless the complainant and respondent otherwise agree and the commission determines that disclosure is not required to further the purposes of this chapter.

(E) The investigation must be completed in no more than one hundred days after receipt of the complaint. If the commission is unable to complete the investigation within one hundred days, it shall notify the complainant and respondent in writing of the reasons for not doing so.

(F) The commission shall make final administrative disposition of a complaint within one year of the date of receipt of a complaint unless it is impractical to do so. If the commission is unable to do so, it shall notify the complainant and respondent, in writing, of the reasons for not doing so.

(G) In any proceeding brought pursuant to this section, the burden of proof is on the complainant.

(H) Whenever an action is filed by an individual in court pursuant to this section or Section 31-21-140 comes to trial, the commission shall terminate all efforts to obtain voluntary compliance.

Section 31-21-130. (A) If not sooner resolved, the investigator, upon completion of his investigation, shall submit to the commissioner a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The commissioner, after review of the case file and the statement and recommendation of the investigator, shall issue an order either of dismissal or for a hearing, which is not subject to judicial or other further review.

(B) If the order is for dismissal, the commissioner shall mail a copy of the order to the complainant and the respondent at their last known addresses. The complainant may bring an action against the respondent in circuit court within ninety days of the date of the dismissal or within one year from the date of the violation alleged, whichever occurs later, to enforce the rights granted or protected by this chapter and to seek relief as provided for in Section 31-21-140.

(C)(1) If the order is for a hearing, the commissioner shall attach to it a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(2) Either party may elect to have the claims asserted in the complaint decided in a civil action. The commissioner's notice must be sent to all parties and inform them of their right to take civil action. An election must be made within twenty days after receipt of the notice. A party making this election shall notify the commissioner and all other parties. If an election is made for a civil action, the commissioner shall, within thirty days from the date of election, commence and maintain a civil action pursuant to Section 31-21-140 on behalf of the aggrieved person.

(D) At any time before a hearing, a complaint may be amended by the commissioner upon the request of the investigator or of the complainant or of the respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for the hearing.

(E) Upon request by any party, the commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be present at the hearing,

(2) The order of the commission, as provided in subsection (L), if not reviewed in due time, or an order of the commission upon the review, as provided for in item (1), is conclusive and binding as to all questions of fact unless probative, and substantive evidence in the whole rEither

or at prehearing depositions, unless the commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(F) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his deposition taken, refused to answer interrogatories, or otherwise refused to allow discovery, the commission, upon notice to the party or witness, shall apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the commission determines that the discovery would be unreasonably or unduly burdensome.

(G) Upon request by the commissioner, the chairman of the commission shall designate a panel of three members of the commission to sit as the commission to hear the complaint.

(H) At any hearing held pursuant to this section, the case in support of the complaint must be presented before the panel by one or more of the commission's employees or agents or by legal representatives of the complaining party. Endeavors at conciliation by the investigator may not be received into evidence nor otherwise made known to the members of the panel.

(I) The respondent shall submit a written answer to the complaint and appear at the hearing in person or by counsel and may submit evidence. The respondent may amend his answer reasonably and fairly.

(J) The complainant must be permitted to be present and submit evidence.

(K) Proceedings under this section are subject to the provisions of Chapter 23 of Title 1 (Administrative Procedures Act) and, in the case of conflict between the provisions of this chapter and Chapter 23 of Title 1, the provisions of Chapter 23 of Title 1 shall govern. A recording of the proceedings must be made, which may be transcribed subsequently upon request and payment of a reasonable fee by the complainant or the respondent. The fee must be set by the commission or upon motion of the panel, in which case copies of the transcription must be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the commission.

(L) If, upon all the evidence at the hearing, the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the complainant and the respondent in the name of the commission an opinion and order for appropriate relief which may include that the unlawful discriminatory practice be discontinued, actual damages, civil penalties which may not be greater than civil penalties established by the federal Fair Housing Act in Section 812 and reasonable attorney's fees. The commission may retain jurisdiction of the case until it is satisfied of compliance by the respondent of its order.

(M) If, upon all the evidence at the hearing, the panel finds that the respondent has not engaged in any unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent. A prevailing respondent may apply to the commission for an award of reasonable attorney's fees and costs.

(N) A copy of the opinion and order of the commission must be delivered in all cases to the Attorney General and to such other public officers as the commission considers proper. Copies of the opinion and order must be available to the public for inspection upon request, and copies must be made available to any person upon payment of a reasonable fee set by the commission.

(O) (1) If an application for review is made to the commission within fourteen days from the date the order of the commission has been given, the commission, for good cause shown, shall review the order and evidence, receive further evidence, rehear the parties or their representative and, if proper, amend the order.

party to the dispute, within thirty days after receipt of notice to be sent by registered mail of the order, but not after that time, may appeal from the decision of the commission to the court of common pleas of the county in which the hearing occurred, or in which the respondent resides or has his principal office. In case of an appeal from the decision of the commission, the appeal shall operate as a supersedeas for thirty days only, unless otherwise ordered by the court, and after that the respondent is required to comply with the order involved in the appeal or certification until the questions at issue in it have been determined fully in accordance with the provisions of this chapter.

(3) The commission may institute a proceeding for enforcement of its order of subsection (L), or its amended order of item (I) after thirty days from the day of the order, by filing a petition in the court of common pleas of the county in which the hearing occurred, or where any person against whom the order is entered resides or transacts business.

(4) If no appeal under item (2) is initiated, the commission may obtain a decree of the court for enforcement of its order upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the commission's order.

Section 31-20-140. (A) A civil action must be commenced within one year after the alleged discriminatory housing practice has occurred. However, the court shall continue a civil case brought pursuant to this section from time to time before bringing it to trial if the court believes that the conciliation efforts of the Commission or local agency are likely to result in a satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Commission or to the local agency and which practice forms the basis for the action in court. Any sale, encumbrance, or rental consummated before the issuance of any court order issued under the authority of this chapter and involving a bona fide purchaser, encumbrances, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter are not affected. A civil action may be commenced by an aggrieved person whether or not a complaint has been filed with the Commission.

(B) The court may grant as relief, as it considers appropriate, any permanent or temporary injunction, temporary restraining order, or other order and may award the plaintiff actual damages, and punitive damages, together with court costs and reasonable attorney's fees in the case of a prevailing party, if the prevailing party in the opinion of the court is not financially able to assume the attorney's fees.

Section 31-21-150. Before accepting any complaint under this chapter, the commission shall determine if the complainant has filed a similar complaint with the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation of the Federal Reserve System, the United States Department of Housing and Urban Development, or any other agency with authority to investigate and resolve complaints alleging a violation of this chapter. If a complaint has been filed or is filed, subsequently the commission shall coordinate efforts to resolve the complaint with that agency in order to avoid multiple investigations of the respondent.

SUMMARY OF THE SOUTH CAROLINA FAIR HOUSING LAW

Section 1-21-10 Names the law "The South Carolina Fair Housing Law."

Section 1-21-20 States policy of this State to provide fair housing.

Section 1-21-30 Defines words and phrases used throughout the Act. For example "familial status" means one or more individuals who have not attained the age of eighteen years and domiciled with parent or legal custodian, or a pregnant person, or one securing legal custody of child under 18 years.

Section 1-21-40 Describes activities which are unlawful as they relate to selling or renting dwellings because of race, color, religion, sex, familial status, national origin, or handicap.

Section 1-21-50 Makes unlawful denial of real estate services based on race, color, religion, sex, handicap, familial status, or national origin.

Section 1-21-60 Makes unlawful discrimination in making real estate-related transactions available, or in terms and conditions of transactions because of race, color, religion, sex, handicap, familial status, or national origin.

Section 1-21-70 Describes activities exempted from the Act.

Section 1-21-80 Makes unlawful coercion, intimidation, threats, or interference with any person for exercising rights under the law.

Section 1-21-90 Grants jurisdiction to the South Carolina Human Affairs Commission to administer law.

Section 1-21-100 Allows the Commission to:

1. Promulgate regulations;
2. Make studies of housing practices;
3. Publish reports of such studies;
4. Cooperate with and give technical assistance to agencies, organizations and institutions within the State;
5. Cooperate with and contract with HUD and other governmental agencies;
6. Accept reimbursement for services rendered to HUD;
7. Accept gifts and donations;
8. Go to court to compel compliance with the law;
9. Contract with and accept reimbursement from persons and organizations in effectuating purposes of the law.

Section 1-21-110 Gives certain power to Commission to:

1. Examine and copy records;
2. Take testimony or statements;
3. Issue subpoenas;
4. Go to court to enforce subpoenas.

Section 1-21-120 Requires complaints to be in writing, filed within 180 days after alleged discriminatory housing practice, and requires notice to respondent; imposes confidentiality and imposes criminal sanction for breach of confidentiality; imposes certain time requirements for completion of investigations and final administrative disposition of complaints.

Section 1-21-130 Provides for administrative hearings and court trial; establishes procedures for hearing panel, pleadings, penalties for violations, court enforcement of Commission orders and court appeal process from Commission orders.

Section 1-21-140 Establishes 1 year statute of limitations for filing court action and provides remedies available to court finding violations.

Section 1-21-150 Provides for determination of other agencies having investigative authority of complaints and coordination of efforts to avoid multiple investigations.

Equal Enjoyment and Privileges to Public Accommodations Act

Article 1

Section 45-9-10. (A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, as defined in Article 1 of this chapter, without discrimination or segregation on the ground of race, color, religion, or national origin.

(B) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this chapter if discrimination or segregation by it is supported by state action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment, or any gasoline station;

(3) any hospital, clinic, or other medical facility which provides overnight accommodations;

(4) any retail or wholesale establishment;

(5) any motion picture house, theater, concert hall, billiard parlor, saloon, barroom, golf course, sports arena, stadium, or other place of amusement, exhibition, recreation, or entertainment; and

(6) any establishment which is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishments.

(C) 'Supported by state action' means the licensing or permitting of any establishment or any agent of an establishment listed above, subject to the exclusion provided in Section 45-9-20, which has or must have a license or permit from the State, its agencies, or local governmental entities to lawfully operate.

Section 45-9-20. The provisions of this chapter do not apply to a private club or other establishment not in fact open to the general public. An institution, a club, an organization, or a place of accommodation, as defined in Section 45-9-10, which offers memberships for less than thirty days is not private within the meaning of this section.

Section 45-9-30. No person shall withhold, deny, or attempt to withhold or deny, or deprive, or attempt to deprive any person of any right or privilege secured by the provisions of Section 45-9-10; or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by the provisions of Section 45-9-10; or punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by the provisions of Section 45-9-10.

Article 3

Section 45-9-40. Whenever the Attorney General receives a complaint and has cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by the provisions of Article 1, and that the pattern or practice is of a nature so as to deny the full exercise of the rights described in the provisions of Article 1, the Attorney General shall notify the State Law Enforcement Division which shall conduct an investigation. The results of this investigation must be reported to the State Human Affairs Commission. A panel of not fewer than three commission members, designated by the chairman, shall determine if there is reasonable cause to believe that the facts alleged, based upon the results of this investigation, are sufficient to state a violation of Article 1 by a pattern or practice of discrimination or segregation.

If this panel finds reasonable cause, the chairman shall inform the Attorney General, and the Attorney General or his designee shall begin an action by filing a complaint with the commission and serving, by certified mail, return receipt requested, the parties named in the complaint. The commission members which serve on this panel may not serve on the panel conducting a hearing on the allegations contained in the complaint if a license revocation proceeding is initiated. If a person alleging to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation is an employee or agent of an establishment as defined in Section 45-9-10, the Attorney General shall make a diligent effort to include in the complaint the name of the employer, principal, or a third party who may be the holder of a license or permit under which the establishment or an agent of the establishment operates. The complaint must set forth a description of the charges, including the facts pertaining to the pattern or practice of discrimination or segregation and a listing of those licenses or permits which are sought to be revoked under the provisions of this article and must state clearly the remedy or penalty available pursuant to Sections 45-9-60 and 45-9-80 if the allegations are found to be true.

Section 45-9-50. A panel of not fewer than five commission members, designated by the chairman, must conduct a hearing on the allegations contained in the complaint by the Attorney General within sixty days of its filing, but not sooner than twenty days from the date of the filing of the complaint. The panel, for cause shown, may at any time in its discretion (1) with or without written motion or notice order the period of time prior to the hearing enlarged if request therefor is made before the expiration of the time period as originally prescribed or extended or (2) upon motion made after the expiration of the specified time period, for good cause shown, permit a continuance or further extension.

Notification of the hearing must be sent by certified mail, return receipt requested. The notification of the hearing must include a description of the charges, the date, time, and location of the hearing, and a statement of bold type that a failure to appear may result in revocation of licenses or permits under which the establishment or an agent of the establishment operates. The notice must be sent to the person or group of persons accused of discriminatory conduct as well as to all persons listed in the Attorney General's complaint as having been aggrieved by the alleged discriminatory conduct. The notice also must be sent to any employer, principal, or any third party who may be the holder of a license or permit under which the establishment or an agent of the establishment operates. A license or permit of any party, for whom there is no receipt of the notice showing delivery or attempted delivery of the certified mail, shall not be revoked.

Section 45-9-60. The commission may establish rules of procedure for the conduct of the panel hearings as provided in this article and is not governed by the Administrative Procedures Act in establishing these rules or in the conduct of panel hearings. The commissioner, upon request of the panel conducting a hearing, may issue subpoenas and subpoenas duces tecum to allow the panel to interview any person it deems necessary and review any document it deems relevant.

A person or group of persons charged in the complaint with engaging in a pattern or practice of discrimination or segregation in violation of Article 1 shall have the right in the hearing to present physical and documentary evidence, the testimony of witnesses, and other relevant information. In

procuring the testimony of witnesses, such persons shall have the benefit of the commissioner's subpoena power. Such persons shall have the right to appear before the panel and be represented by an attorney, to call witnesses, to confront and cross examine adverse witnesses, and to make oral and written legal arguments.

All testimony given must be under oath in the presence of a court reporter who shall record the proceedings. The rules of evidence applicable in circuit court shall be used in all hearings. Except to the extent necessary to establish a pattern or practice of discrimination or segregation or to allow for the participation of those intervenors as may be allowed by Section 45-9-79, the panel conducting the hearing must limit the scope of the hearing to the items delineated in the description of the charges or in the allegations in the complaint.

Notwithstanding any other provision of law to the contrary, all deliberations and votes of the panel may be conducted in executive session. The deliberations, findings, and conclusions of the panel are confidential and may not be disclosed by any person until the final order or determination is made public as provided in this article.

Except as otherwise provided by this article, if it is determined that the rights and privileges secured by Article 1 have been violated by a pattern or practice of discrimination or segregation by an owner of an establishment, an employee of an establishment, or an agent of an establishment, the panel shall grant the relief authorized in Section 45-9-80. The panel may further order any persons found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation to reimburse the State for the actual costs incurred in conducting the hearing, including reasonable attorney's fees.

Section 45-9-65. No establishment or agent of an establishment shall be compelled to forfeit a license or permit because of the actions of an employee who has no authority to determine who shall enjoy the goods, services, facilities, privileges, and advantages of an establishment of public accommodations as defined in Section 45-9-10. If the panel finds that a pattern or practice of discriminatory conduct by such an employee was known, or was so open and notorious that it reasonably should have become known to the licensee, permittee, or its managing agent, and such licensee, permittee, or agent did not stop the discriminatory conduct, the license or permit may be revoked. If the action prohibited in Article 3 is committed by an employee or agent, and is not done in the presence of the employer, manager, or other person in charge, and is done without knowledge, consent or approval of the person in charge, the license or permit revocation provisions do not apply.

A panel may find a pattern or practice of discriminatory conduct violating Article 1 and not revoke a particular license or permit under which an establishment or agent of an establishment operates if:

- (1) the panel concludes the establishment is one of public necessity and the revocation of a license or permit to operate would be severely detrimental to the community and that the establishment is acting to eliminate any discriminatory conduct; or
- (2) the panel concludes that the pattern or practice of discriminatory conduct is limited to a segment of the establishment's operations and concludes that only the licenses or permits issued to operate that segment may be revoked; or
- (3) the panel concludes that the pattern or practice of discriminatory conduct is limited to one person or a group of persons whose licenses or permits may be revoked.

Section 45-9-70. (A) Upon timely application anyone shall be permitted to intervene in an action when the applicant claims an interest relating to the allegations of the complaint and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

(B) Upon timely application anyone may be permitted to intervene in an action when an applicant's claim or defense and the main action have a question of law or fact in common. In exercising its discretion, the panel shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

(C) A person desiring to intervene shall timely serve a motion to intervene upon the panel. The motion shall state the ground therefor and shall be accompanied by a statement setting forth the claim or defense for which intervention is sought.

Section 45-9-75. The final decision or order of the panel must be in writing and shall include the findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The panel must list licenses or permits to be revoked in its order. No finding or conclusion may be included in the order of the panel unless it is supported by substantial evidence in the record before the panel.

The commission must send copies of the final order of determination to each party named in the complaint, any attorney of record, and any other interested party within fifteen days of the conclusion of the hearing.

Notwithstanding any other provision of law, the determination by the panel is not subject to appeal to the full commission and is the final administrative review. Any appeal must be made pursuant to Sections 1-23-380 and 1-23-390.

Section 45-9-80. Notwithstanding any other provision of law or ordinance to the contrary, if the panel determines that the provisions of Article 1 have been violated by a pattern or practice of discrimination or segregation by the owner of an establishment, an employee of an establishment, or an agent of an establishment of public accommodations as defined in Section 45-9-10, the Attorney General must immediately notify the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order must be revoked immediately, notwithstanding the provisions of Section 1-23-380(C), upon expiration of the time allowed for an appeal if no appeal has been filed. After appeals, if the panel's order is not reversed, the license or permit must be revoked as provided in this article.

If necessary, a writ of mandamus may be sought by the Attorney General or any individual to effectuate the provisions of this section. Nothing in this section shall be construed as requiring the issuance of a writ of mandamus, and no civil action shall lie against any regulatory or licensing official acting pursuant to an order of the panel.

No owner of an establishment, employee of an establishment, or agent of an establishment who is found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation may obtain a license or permit from the same regulatory or licensing entity or seek the reissuance of a revoked license or permit within three years from the date of the panel's order or a final determination of a court of competent jurisdiction, whichever is late.

Section 45-9-85. Any person violating the confidentiality provision of Section 45-9-60 is guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both, in the discretion of the court. If the person convicted is an officer or employee of the State, he shall be dismissed from office or employment and shall be ineligible to hold any public office or public employment in this State for a period of three years after such conviction.

Article 5

Section 45-9-90. A person violating the provision of Article 1 is guilty of a misdemeanor, and upon conviction, must be fined not more than two thousand dollars or imprisoned for not less than six months nor more than three years, or both, in the discretion of the court. Each violation is considered a separate offense.

Section 45-9-100. Subject to the limitations in Section 45-9-110, a party aggrieved as a result of a person or group of persons violating the provisions of Article 1 may institute an action in his own name in the circuit court to recover damages for violations of Article 1. A single act of discrimination or segregation may constitute proof of a violation of Article 1 without the necessity of proving a pattern or practice of discrimination or segregation. Upon a finding that a person has violated the provisions of Article 1, the amount of damages that an aggrieved party has sustained is declared to be a minimum of five thousand dollars. In addition, the court, upon a finding that a person violated the provisions of Article 1, shall award the aggrieved party reasonable attorney's fees, as determined by the court, and costs.

Section 45-9-110. An aggrieved party must file a charge alleging unlawful discrimination or segregation under Article 1 with the State Human Affairs Commission and seek conciliation of any civil action under Section 45-9-100 prior to bringing such action in the circuit court. The commission has sixty days to investigate the charge, attempt conciliation, and negotiate a settlement. The commission may establish regulations governing the conciliation of a charge filed pursuant to this section, but the failure to promulgate regulations shall not relieve a party from the requirements of this section. No civil action may be commenced by an aggrieved party until sixty days after the filing of the charge with the commission or until the commission issues a letter stating that the conciliation process has concluded, whichever occurs first. After the sixty-day period has expired, the person filing the charge is deemed to have exhausted his administrative remedy notwithstanding whether the commission has concluded its attempts at conciliation.

Section 45-9-120. The limitations on the right to pursue a civil action in Section 45-9-110 shall not be construed to limit the right to pursue the license or permit revocation procedure provided in Article 3 or the criminal penalties provided in Section 45-9-90. The penalties and remedies provided in Article 5 may be pursued as independent actions and may not be construed as prohibiting or limiting the right to pursue the administrative remedy provided in Article 3.

Summary of Equal Enjoyment and Privileges to Public Accommodations Act

- | | |
|-------------------------|---|
| Section 45-9-10 | States all persons' entitlement of full enjoyment of described services and accommodations without discrimination on account of race, color, religion, or national origin, and defines places of public accommodation. |
| Section 45-9-20 | Exempts private clubs and other establishments not in fact open to the general public. |
| Section 45-9-30 | Protects persons from intimidation, threats, coercion, or punishment for exercising rights and privileges granted by the law. |
| Section 45-9-40 | Grants authority to Attorney General to prosecute pattern and practice complaints before a panel of S.C. Human Affairs Commission board members following investigation by the State Law Enforcement Division; provides for procedures. |
| Section 45-9-50 | Provides for full hearing before Commission panel and establishes procedures therefore. |
| Section 45-9-60 | Empowers the Commission to establish rules, and grants authority to issue subpoenas and grant relief if violation is found. |
| Section 45-9-65 | Creates exception to liability over certain unauthorized conduct of establishment or agency's employee if conduct is not known, or should not have been known, by the person in charge; provides panel discretion in license revocation mandate in certain situations as described. |
| Section 45-9-70 | Provides for intervention by interested parties. |
| Section 45-9-75 | Describes method and procedures for panel's findings of fact, conclusion of law and order of determination; establishes limited right of appeal. |
| Section 45-9-80 | Provides for mandatory immediate revocation of licenses and 3-year prohibition against issuance or reissuance of licenses. |
| Section 45-9-85 | Establishes criminal and civil sanctions for breach of confidentiality. |
| Section 45-9-90 | Makes violations of Act a misdemeanor with penalties of fine of not more than \$2,000 or imprisonment for not less than six months nor more than 3 years, or both. |
| Section 45-9-100 | Creates private right of action with civil remedies of not less than \$5,000 and provides for attorney fees and court costs. |
| Section 45-9-110 | Requires aggrieved party to exhaust administrative process by filing complaint with the South Carolina Human Affairs Commission and period of 60 days for investigation and conciliation prior to court filing. |
| Section 45-9-120 | States legislative intent to create three independent courses of action for violations of law. |